

ORDINANCE NO. \_\_\_\_\_

**An Ordinance Adopting Amendments to  
SCC Title 14 to Reorganize the Unified Development Code**

**Whereas** Skagit County Code Title 14, the Unified Development Code, is the longest and most complex title in the Skagit County Code;

**Whereas** Title 14 was organized more than 25 years ago and requires significant revisions to its organizational structure to support more flexible updates and comply with current state law;

**Whereas** the subject code amendments are intended to improve the organization of Title 14, make substantive updates to comply with the 2025 Comprehensive Plan update, rewrite several chapters for clarity and accessibility, and remove content that is not development regulations;

**Whereas** the Board of County Commissioners desires code to be written in plain language and organized in a fashion that is accessible to the general public;

**Whereas** the limited plain language rewrite of the subject code amendments converts text to tables, deletes duplicative language, aligns and standardizes terminology, extracts substantive rules from definitions, deletes unused or obvious terms and definitions, and modularizes processes;

**Whereas** the initial draft of the proposed code amendments were released for public comment on April 21, 2025, and comments were accepted through May 8, 2025;

**Whereas** the Planning Commission held a public hearing on the proposal on May 6, 2025;

**Whereas** the Planning Commission deliberated on the proposal and issued a recorded motion recommending approval with modifications (Exhibit B) on May 20, 2025;

**Whereas** the Board of County Commissioners held a workshop on the proposal and the Planning Commission's recommendations on May 27, 2025;

**Whereas** the revised draft of the proposed code amendments were released for public comment on May 29, and comments were accepted through June 16, 2025;

**Whereas** the Board of County Commissioners held a public hearing on the revised draft of the proposal on June 16, 2025;

**Now Therefore Be It Ordained by the Board of County Commissioners:**

- Section 1. Chapter 14.40 Open Space Current Use Assessment Applications is recodified as new Chapter 3.21 Open Space Current Use Assessment Applications.
- Section 2. Title 14 of the Skagit County Code is hereby amended as shown in Exhibit A.
- Section 3. Pursuant to RCW 36.70B.230, a copy of this ordinance must be transmitted to the County Assessor.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2025.

**BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

\_\_\_\_\_  
Lisa Janicki, Chair


\_\_\_\_\_  
Ron Wesen, Commissioner

Attest:

\_\_\_\_\_  
Peter Browning, Commissioner

\_\_\_\_\_  
Clerk of the Board

Recommended:

  
\_\_\_\_\_  
Department Head

Approved as to form:

\_\_\_\_\_  
Civil Deputy Prosecuting Attorney

# EXHIBIT A

## SCC Title 14 Unified Development Code

*italics* = instructions for the code reviser

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# Chapter 14.01 How to Use the Unified Development Code

## 14.01.010 About the Code

- (1) The Unified Development Code (Title 14 of the Skagit County Code) is intended to consolidate most of the regulations that govern land use in unincorporated Skagit County in a single title of the county code.
- (2) In addition to Title 14, land uses and developments in Skagit County are regulated by:
  - (a) Title 12, Health, Welfare, and Sanitation, which includes regulations for water systems, septic systems, and food establishments;
  - (b) Title 15, Buildings and Construction, which includes the county's adoption of the International Building Code and related standardized codes, as well as rules for building and road addresses;
  - (c) Title 16, Environment, which includes the County's implementation of the State Environmental Policy Act (SEPA), as well as water pollution controls.
- (3) The instructions in this chapter are summaries only and not a comprehensive guide to how the code is interpreted and applied.

## 14.01.020 Orientation to Title 14

The first few chapters of Title 14 help the reader understand the terms used throughout (Chapter 14.04 Definitions) and the processes for applying for permits (Chapter 14.06).

- (1) Division 1, Zoning and Land Uses, contains several fundamental chapters:
  - (a) Chapter 14.10, General Provisions, includes lists of uses allowed and prohibited in all zones.
  - (b) Chapters 14.11–14.16 describe the County's zones. Each chapter lists:
    - (i) the uses allowed in each zone;
    - (ii) the dimensional standards (e.g., setbacks, lot size, height limits) for each zone;
    - (iii) additional uses and restrictions for each zone.
  - (c) Chapter 14.18 describes regulations for each type of use.
- (2) Division 2, Project Design Standards, includes regulations that apply to many different kinds of uses, including fences, landscaping, parking, setbacks, and signs.
- (3) Division 3, Land Management, includes chapters on land clearing and stormwater management, as well as special provisions that apply to natural resource lands (those that are zoned for agriculture, forestry, or mineral resource).
- (4) Division 4, Critical Areas and Shorelines, is reserved for recodification of the county's rules governing critical areas (e.g., streams, wetlands, frequently flooded areas), as well as shorelines.
- (5) Division 5, Special Permits, includes chapters on permits that are not frequently needed, such as special use permits, master planned resorts, essential public facilities, and variances.
- (6) Division 6, Public Facilities, regulates how and when infrastructure is constructed, especially for commercial uses, and how impact fees are set.
- (7) Division 7, Land Division and Boundaries, includes rules for subdividing land and adjusted lot boundaries. Importantly, Chapter 14.70 describes how the County determines whether your existing lot was properly created and whether it is eligible to be bought and sold or developed.

#### **14.01.030 Example: Establishing a Commercial or Special Use**

- (1) To understand the code that governs a commercial, industrial, or special use, an applicant should review:
  - (a) The standards in Chapter 14.70 that determine whether your lot was properly divided.
  - (b) The specific chapter for your zone in Division 1, which contains:
    - (i) uses allowed in the zone;
    - (ii) dimensional standards applicable within the zone;
    - (iii) special conditions applicable to the zone.
  - (c) The rules for any applicable overlay zone in Chapter 14.14.
  - (d) The section for your proposed use in Chapter 14.18, which may contain:
    - (i) restrictions and criteria for the use applicable to all zones;
    - (ii) special restrictions on the use that apply only in certain zones.
  - (e) The requirements for a special use permit in Chapter 14.51 (Chapter 14.52 for mining), if one is required for your use.
  - (f) The general performance standards (Chapter 14.20).
  - (g) The requirements for landscaping (Chapter 14.25).
  - (h) The requirements for parking (Chapter 14.26).
  - (i) The limitations on signs (Chapter 14.29).
  - (j) The rules for protection of Critical Areas (Chapter 14.24) that may exist on or near your lot.
  - (k) The rules for Shorelines (Chapter 14.48) and Flood Damage Prevention (Chapter 14.34), if they apply to the location of your lot.
  - (l) The rules you need to follow before you start clearing your lot (Chapter 14.30).
  - (m) How to manage stormwater from your construction (Chapter 14.32).
  - (n) The process of applying for a permit (Chapter 14.06).
- (2) Don't forget: the health code, administered by the County Health Department, governs food establishments (Chapter 12.36) and solid waste handling (Chapter 12.16).
- (3) If you're renovating or expanding an existing structure that was legally constructed, or a land use that was legally established, but no longer meets current code, see the rules for Nonconforming Uses and Structures (Chapter 14.07).

#### **14.01.040 Example: Building a Home or ADU**

- (1) To understand the code that governs the construction of a typical residence in Skagit County, an applicant should review:
  - (a) The standards in Chapter 14.70 that determine whether your lot was properly divided.
  - (b) The specific chapter for your zone in Division 1 (usually Chapter 14.11), which contains dimensional standards and may include special conditions for your zone.
  - (c) The rules for any applicable overlay zone in Chapter 14.14.
  - (d) The standards for your type of residence in Chapter 14.18 Part 1, which may contain special conditions for your proposed residence.
  - (e) How the setbacks prescribed for your zone are applied to your lot (Chapter 14.28).

- (f) The rules for protection of Critical Areas (Chapter 14.24) that may exist on or near your lot.
  - (g) The rules for Shorelines (Chapter 14.48) and Flood Damage Prevention (Chapter 14.34), if they apply to the location of your lot.
  - (h) The rules you need to follow before you start clearing your lot (Chapter 14.30).
  - (i) How to manage stormwater from your construction (Chapter 14.32).
- (2) Don't forget: availability of sewer and water services for a new home is essential! Those matters are governed by the health code in Chapter 12.05 and Chapter 12.48 and administered by the County Health Department.
- (3) If you're renovating an existing home that was legally constructed but no longer meets current code, see the rules for Nonconforming Uses and Structures (Chapter 14.07).

## Chapter 14.02 General Provisions\*

*No change.*

## Chapter 14.04 Definitions\*

*This chapter is readopted to read as follows. Format all definitions as "term" means definition.*

### 14.04.010 Applicability.

The definitions of terms and symbols in this chapter apply throughout SCC Title 14 except where the context plainly indicates otherwise.

### 14.04.020 Definitions.

"Accessory use" means a use, building or structure, which is dependent on and subordinate or incidental to, and located on the same lot with, a principal use, building, or structure.

"Administrative decision" means a decision by the Director related to a particular Code section that calls for an "administrative decision," typically used in situations where no other discretionary review is needed or a preliminary decision related to a project permit application is desirable. See applicable type of review in SCC 14.06.150.

Agricultural Natural Resource Land: means land designated as Ag-NRL which is primarily devoted to the commercial production of horticultural (including fiber production such as hybrid cottonwoods), viticultural, floricultural, dairy, apiary, vegetable or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees (not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140), finfish in upland hatcheries, or livestock (including livestock raised for personal use), and that has long-term commercial significance for agricultural production. The Revised Code of Washington, for 1997, has several definitions for agriculture. The State Hydraulics Code (Chapter 75.20 RCW) is necessary to implement the riparian protection section of the CAO; it requires the use of the definitions of agriculture as given in RCW 84.34.020 and 36.70A.030(2).

"Agronomic rates" means a quantity of animal waste, process wastewater, or other crop nutrients that, when added to the soil by mechanical means, will achieve crop production goals. The determination of agronomic rate must take into account the nutrient requirements of the crop production system, including crop nutrient requirements, amounts of nutrients applied as waste or wastewater and commercial fertilizer, amounts of irrigation water, amounts present in the soil, and losses of nutrients through denitrification, ammonia volatilization and leaching, and State water quality standards.

"AKART" means all known, available, and reasonable methods of prevention, control, and treatment. See also the State Water Pollution Control Act, RCW 90.48.010 and 90.48.520.

Alteration, critical area: any human-induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to, grading, filling, channelizing, dredging, clearing (vegetation), construction, compaction, excavation, or any other activity that changes the character of the critical area.

Alterations, structural: any change in the structural features or elements of a building.

“Anadromous fish” means fish that spawn and rear in freshwater and mature in the marine environment.

Animal or poultry husbandry: the management or production of domesticated animals or fowl.

“Appeal” means a request for a review of the decision of the Decisionmaker on a project permit application or other provision of this Title.

“Appellate body” means the person or board authorized to hear an appeal of a particular type of project permit per SCC 14.06.150.

“Applicant” means a person who submits an application.

“Application” means a written request or a form provided by The Department for a construction or land use action, project permit, or permit for any activity that would alter or modify the legal description, use, or development of any parcel of land.

“Aquifer” means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

“Aquifer vulnerability” means the degree to which groundwater may become contaminated depending on the local hydrologic characteristics and amounts of potential groundwater contaminant present.

“As-built record drawing” means the final corrected drawings that accurately represent infrastructure of a project as constructed.

“Best available science” means current scientific information used in the process to designate, protect, or restore critical areas, that is derived from a valid scientific process as defined by WAC 365-195-900 through 365-195-925.

“Best management practices” means:

For agriculture, practices or structures designed to reduce the quantities of pollutants such as sediment, nitrogen, phosphorus, and animal wastes that are washed by rain and snow melt from farms into nearby surface waters such as lakes, creeks, streams, rivers, and estuaries. Agricultural BMPs can include fairly simple changes in practices such as fencing cows from streams to keep animal waste out, planting grass in gullies where water flows off a planted field to reduce the amount of sediment that runoff picks up as it flows to rivers and lakes, reducing the amount of plowing in fields where row crops are planted to reduce soil erosion and nitrogen and phosphorus loss from fertilizers applied to the crop land. BMPs can also involve building structures, such as large animal waste storage tanks that allow farmers to choose when to spread manure on their fields as opposed to spreading it based on accumulated volume.

For critical areas, physical or structural tools and/or management practices which, when used singularly or in combination, prevent or reduce adverse impacts to critical areas or their buffers. When used in the context of agricultural activities, BMPs refers to the most current conservation practice standards developed by the Natural Resource Conservation Service (NRCS) and contained in the Field Office Technical Guide, or other practices identified by NRCS, an NRCS technical service provider, or other qualified professional as adequately addressing the applicable resource impact issues to meet the requirements of the Critical Areas Ordinance, Chapter 14.24 SCC. In cases where new standards have been developed to address requirements under the Endangered Species Act, these new standards apply. Where no new standard has been developed, the existing NRCS standard applies. BMPs are used in various voluntary Federal programs that provide technical support and funding incentives.



For stormwater, the schedule of activities, prohibition of practices, maintenance procedures, and structural and/or managerial practices approved by Ecology that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

“Binding site plan” means a drawing which identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by this Title; contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan; and contains provisions making any development conform with the site plan. A binding site plan may be used to divide land.

“BOCC” means the Board of County Commissioners of Skagit County.

“Bond” means a financial guarantee, in the form of a surety bond, assignment of funds, or irrevocable bank letter of credit, that guarantees compliance with applicable provisions of this Title.

“Boundary line adjustment” means an adjustment of the boundary lines between platted or unplatted lots or both that does not create an additional lot and is consistent with Chapter 14.22 SCC.

Buffer, critical area: an area that is contiguous to and protects a critical area which is required for the continued maintenance, functioning, and/or structural stability of a critical area.

Buffer, generally: an area contiguous with a critical area, natural resource land, or urban growth area that is required for the integrity, maintenance, function, and stability of the area or land.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy.

“Building footprint” means the area of ground covered by a building.

“Building permit” means a permit issued per SCC Chapter 15.04, including a mobile home permit.

Cabin: a recreational dwelling unit used for short-term occupancy (in month-to-month or shorter increments) which may be fully plumbed, served with electrical power, and/or contain a kitchen and bathroom.

“CaRD lot” means a lot created through a CaRD land division ~~either as a reduced-size residential lot, a nonresidential open space lot, or as an open space lot with a building envelope.~~

“City” means city or town.

Clearing or land clearing: the surface removal of vegetation, except those regulated under WAC Title 222 or Chapter 46.04 RCW.

“Closed-record appeal” means an administrative appeal on the record to an appellate body following an open-record hearing where the appeal is on the record with no new evidence and only appeal argument allowed.

Coastal high hazard areas: special flood hazard areas along the coasts that have additional hazards due to wind and wave action. These areas are defined on Flood Insurance Rate Maps as Zones V, V1-V30 and VE.

Common area: land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development.

“Community septic” means a sewage disposal system that provides a collection network and disposal system for more than one single-family residence. See Chapter 12.05 SCC, On-Site Sewage Code.

Compensatory mitigation: replacing project-induced critical area losses or impacts; includes, but is not limited to, restoration, creation, enhancement or preservation.

“Comprehensive Plan” means the policies and proposals approved and recommended by the Planning Agency or initiated by the Board of County Commissioners (the Board) and approved by motion of the Board (a) as a beginning step in planning for the physical development of the County; (b) as the means for

coordinating County programs and services; (c) as a source of reference to aid in developing, correlating and coordinating official regulations and controls; and (d) as a means for promoting the general welfare. Such plan must include the required elements set forth in RCW 36.70A.070 and may also include the optional elements set forth in RCW 36.70A.080, which serves as a policy guide for the subsequent public and private development and official controls so as to present all proposed developments in a balanced and orderly relationship to existing physical features and governmental functions.

“Comprehensive Plan amendment” means an amendment or change to the text or maps of the Comprehensive Plan.

“Comprehensive Plan periodic update” means the review, and, if needed, update of the Comprehensive Plan required at multi-year intervals by RCW 36.70A.130.

“Concentrated animal feeding operation” means a lot or facility (other than aquatic) where more than 300 slaughter or feeder animals are confined and fed or maintained for a period of 45 days or more in any 12-month period, and in which crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season.

“Conservation and Reserve Development” or “CaRD” means a subdivision created following the CaRD standards currently codified at Chapter 14.78 SCC. ~~technique of residential land development characterized by the placement of lots, dwellings and accessory buildings in a pattern of development which reduces impervious surface area, lowers costs of development and maintenance, and retains larger expanses of property available for agriculture, forestry, recreation, future development or continuity of open space or ecological functions characteristic of the property to be developed. A CaRD, in some cases, allows higher densities than normally permitted in the zone, but also has greater design requirements. A CaRD may also modify certain requirements of the zone, as specifically allowed by this Code. When the creation of lots is desired, a CaRD is done in conjunction with a land division.~~

“Conservation easement” means a nonpossessory property interest created for a conservation purposes as permitted under state law, including RCW 64.04.130. ~~a conservation easement is a legal agreement a property owner makes to restrict the activities and uses that may take place on his or her property. Conservation easements also convey the right to enforce these restrictions to a qualified conservation recipient, such as a local government or a land trust.~~

“Construction stormwater pollution prevention plan” or “CSWPPP” means a written plan to implement measures to identify, prevent, and control the contamination of point source discharge of stormwater.

Contaminant: any chemical, physical, biological or radiological substance that does not occur naturally in groundwater or that occurs at concentrations greater than those in natural levels.

Conversion, forest land: a use other than commercial timber operations that is a bona fide conversion to an active use which is incompatible with timber growing, or where the landowner has declared a conversion as part of the forest practice application approved by the Washington State Department of Natural Resources (DNR).

Conversion, agricultural land: any activity that alters the landscape so as to preclude a parcel or a portion of a parcel from the reasonable possibility of agricultural production. This includes the construction of structures or infrastructure or any other alteration which would make agricultural production of a parcel or portion of a parcel technically or economically infeasible. Locating structures within an existing developed area used as a home-site, or within an area not more than 1 acre in size on vacant parcels, must not be considered conversion.

“Conversion Option Harvest Plan” or “COHP” means a voluntary plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations, and open space.

“County’s NPDES Permit” means the Western Washington Phase II Municipal Stormwater Permit, issued by the Washington State Department of Ecology pursuant to the Federal Clean Water Act.

County's stormwater infrastructure: the County's municipal separate storm sewer system (MS4), that is the conveyance, or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains, which are owned and operated by Skagit County and designed or used for collecting and conveying stormwater.

~~"Critical aquifer recharge areas" or "aquifer recharge areas" are areas that, due to the presence of certain soils, geology, and surface water, act to recharge groundwater by percolation. areas with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge.~~

"Critical areas" includes any of the following areas or ecosystems: critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands, as defined in Chapter 36.70A RCW and this Title.

"Critical facility" means a facility where safety from disaster is of paramount importance. Critical facilities include, but are not limited to, schools, hospitals, police, fire, and emergency response installations, nursing homes, installations which produce, use, or store hazardous materials or hazardous waste.

"Date of decision" means the date on which a final decision or determination occurs.

"Days" means calendar days, not business or working days, unless otherwise specified.

"Decisionmaker" means the person or body with the authority to grant or deny a permit per SCC 14.06.150.

Dedication: the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the uses to which the property has been devoted.

"Department" means the Skagit County Planning and Development Services Department.

Detention facilities: stormwater and drainage facilities designed to store runoff while gradually releasing it at a pre-determined controlled rate. Detention facilities must include all appurtenances associated with their designed function, maintenance, and security.

"Development approval" means approval by Skagit County of a project permit.

"Development envelope" means generally, the portion of a lot which may be used for development; as applied to a CaRD, the portion of a lot which may contain a single-family dwelling and accessory structures.

"Development proposal" means a proposal for development requiring a permit from Skagit County.

"Development regulation" means a control placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical area ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

Development review: all review from pre-application meetings through the rendering of a final decision pursuant to the provisions of the Skagit County Code.

Dike: a manmade embankment or revetment normally set back from the river bank or channel in the floodplain for the purpose of keeping floodwaters from inundating adjacent land; material is normally clay.

Diking: a system of levees or banks, usually constructed of earth to control or confine water and create a protection against tidal or floodwaters.

Diking and drainage system: any lawfully constructed combination of dike, levee, and drainage which actually does or is designed to prevent inundation and facilitate drainage of land upland of the ordinary high water mark.

“Dimensional standards” means setbacks, lot coverage, maximum height, and other dimensional limitations. See SCC 14.10.100.

“Director” means the Director of the Planning and Development Services Department, or a designee of the Director.

Discharge: runoff leaving a new development or redevelopment via overland flow, built conveyance systems, or infiltration facilities. A hydraulic rate of flow, specifically fluid flow; a volume of fluid passing a point per unit of time, commonly expressed as cubic feet per second, cubic meters per second, gallons per minute, gallons per day, or millions of gallons per day.

“Distance” means the length of a straight line between two or more points as measured on a horizontal plane.

Drainage: the collection, conveyance, containment, and/or discharge of surface and stormwater runoff.

“Drainage facility” has the same meaning as “stormwater facility.”

Driveway: access to 1 or 2 individual lots.

“Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

“Attached dwelling unit” means a dwelling unit separated by less than 6 feet from another dwelling unit.

“Detached dwelling unit” means a dwelling unit separated by at least 6 feet from another dwelling unit.

“Efficiency dwelling unit” means a dwelling unit having a total floor area of not less than 220 square feet. The unit must contain a separate closet; kitchen facilities including a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front; and a separate bathroom including a toilet, sink, and bathtub and/or shower.

“Ecology” means the Washington State Department of Ecology.

“Enhancement” means an action which improves the functions and values of a stream or wetland.

Erosion hazard areas: those areas containing soils which, according to the United States Department of Agriculture Soil Conservation Service Soil Classification System, may experience severe to very severe erosion.

“Essential public facilities” means those facilities that are typically difficult to site, enumerated and regulated by Chapter 14.54 SCC.

“Existing site conditions” means the following:

- (1) For developed sites with stormwater and drainage facilities that have been constructed to meet the standards in the minimum requirements of this Title, existing site conditions mean the existing conditions on the site.
- (2) For developed sites that do not have stormwater and drainage facilities that meet the minimum requirements of this Title, existing site conditions means the conditions that existed prior to local government adoption of a stormwater management program (August 2, 1983). If in question, the existing site conditions must be documented by aerial photograph records, or other appropriate means.
- (3) For all sites in water quality sensitive areas as identified under Ecology Minimum Requirement No. 7, Water Quality Sensitive Areas, existing site conditions mean undisturbed forest, for the purpose of calculating runoff characteristics.

- (4) Existing site conditions on undeveloped sites are the existing conditions, except where timber harvest activities have preceded development regulated by this Title by less than 6 years, where existing site conditions must be considered undisturbed forest.

Existing stormwater facilities: those facilities constructed or under permitted construction prior to the effective date of this Title.

Exotic: means any species of plants or animals that is not indigenous to the area.

“FAA” means the Federal Aviation Administration.

“Family” means an individual; or 2 or more persons related by genetics, adoption, marriage, or other legal means; or a household with a group of unrelated persons living together. The term “family” includes living arrangements of any number of handicapped individuals living together in a single housekeeping unit who are protected by the provisions of the Federal Fair Housing Act and the Washington Housing Policy Act.

“Handicap” has the definition in the Federal Fair Housing Act, 42 U.S.C. 3602(h). An adult family home as defined and regulated pursuant to Chapter 70.128 RCW must be treated as a family for purposes of this Title.

Family member, immediate: individual(s) who is/are related by genetics, adoption, marriage, or other legal means.

Farm: land, buildings and machinery used in the commercial production of land-based farm products.

Farm operation: conditions or activities which occur on a farm in connection with the commercial production of land-based farm products, and includes, but is not limited to, market produce at roadside stands or farm markets; preparation for market, delivery to storage or to market, or to carriers for transportation to market; transportation of equipment; noise, dust, fumes, operation of machinery and irrigation pumps; ground and aerial seeding or spraying; application of chemical and organic fertilizers, conditioners, insecticides, pesticides and herbicides and associated drift of such materials; and the employment and use of labor.

Farm pond: means a deepwater habitat created from a non-wetland site in connection with agricultural activities where the pond is smaller than 5 acres.

Farmers’ market: an open-air short-term market where produce and other related goods are sold. Does not include permanent physical structures.

Fence: that which is constructed or composed of materials joined together in some definite manner in which the prime purpose is to separate, partition, enclose or screen.

“Final decision” means the final decision by the decisionmaker on a project permit per SCC 14.06.150.

~~Fish and wildlife habitat conservation areas:~~

- ~~(1) Areas with which endangered, threatened, and sensitive species have a primary association;~~
- ~~(2) Habitats and species of local importance that have been designated by the County at the time of application;~~
- ~~(3) All public and private tidelands suitable for shellfish harvest;~~
- ~~(4) Kelp and eelgrass beds, herring and smelt spawning areas;~~
- ~~(5) Naturally occurring ponds under 20 acres with submerged aquatic beds that provide fish or wildlife habitat;~~
- ~~(6) Waters of the State as defined by WAC 222-16-030;~~
- ~~(7) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;~~
- ~~(8) Areas with which anadromous fish species have a primary association;~~
- ~~(9) State Natural Area Preserves and Natural Resource Conservation Areas;~~

~~(10) Other aquatic resource areas;~~

~~(11) State priority habitats and areas associated with State priority species as defined in WAC 365-190-080; and~~

~~(12) Areas of rare plant species and high quality ecosystems as identified by the Washington State Department of Natural Resources through the Natural Heritage Program in Chapter 79.70 RCW.~~

"Fish and wildlife habitat conservation areas" are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. Counties and cities may also designate locally important habitats and species. "Habitats of local importance" designated as fish and wildlife habitat conservation areas include those areas found to be locally important by counties and cities. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.

Floor area: the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building or portion thereof not provided with surrounding exterior walls is the usable area under the horizontal projection of the roof or floor above.

Flow-sensitive basin: a watershed drainage area, designated under Chapter 14.24 SCC, where water withdrawals could adversely affect aquatic resources.

Forest, undisturbed: fir or mixed forest with good ground cover consisting of litter and brush and being protected from grazing.

Forest crop: a crop grown in a wooded area, including, but not limited to, timber, ferns, moss, boughs, bark, berries, tree, nursery stock, and Christmas trees.

Forest land: land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140 and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors must be considered:

- (1) The proximity of the land to urban, suburban, and rural settlements;
- (2) Surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses;
- (3) Long-term local economic conditions that affect the ability to manage timber production;
- (4) The availability of public facilities and services conducive to conversion of forest land to other uses.

Forest land owner: any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner; provided, that any lessee or other person in possession of forest land without legal or equitable title to such land must be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

Forest practices: any activity conducted on or directly pertaining to forest land and related to growing, harvesting or processing timber as described in Chapter 222-16 WAC. This does not include the conversion of forested land to a use incompatible with growing timber.

Frequently flooded areas: lands in the floodplain subject to a 1% or greater chance of flooding in any given year, ~~and those lands that provide important flood storage, conveyance, and attenuation functions, as determined by the Director in accordance with WAC 365-190-080(3). At a minimum, the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program, or within areas subject to flooding due to high groundwater. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and areas where high groundwater forms ponds on the ground surface.~~

Functions and values: the beneficial roles served by critical areas including, but are not limited to, water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage, conveyance and attenuation; ground water recharge and discharge; erosion control; wave attenuation; protection from hazards; historical, archaeological, and aesthetic value protection; educational opportunities; and recreation. These beneficial roles are not listed in order of priority.

~~Geologically hazardous areas: areas that may not be suited to development consistent with public health, safety, or environmental standards, because of their susceptibility to erosion, sliding, earthquake, or other geological events as designated by WAC 365-190-080(4). Types of geologically hazardous areas include: erosion, landslide, seismic, mine, and volcanic hazards.~~

"Geologically hazardous areas" are areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to siting commercial, residential, or industrial development consistent with public health or safety concerns.

Grade: for the purposes of Chapter 14.34 SCC, existing or natural ground elevation prior to development or final ground elevation after completion of approved filling or grading activity.

(1) Adjacent grade: The average height of existing grade adjacent to a building.

Grading: any excavating or filling or combination thereof.

Greenhouse: a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants.

Gross building area: the total amount of enclosed space, whether inhabited or uninhabited, on a lot.

Groundwater: water in a saturated zone or stratum beneath the surface of land or a surface water body.

Growing season: the portion of the year when soil temperatures are above biologic zero (41 degrees Fahrenheit) as defined by the Washington State Wetlands Identification and Delineation Manual, Washington State Department of Ecology publication No. 96-94.

Habitat of local importance: includes a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These might also include habitats that are of limited availability or high vulnerability to alteration, such as cliffs, talus, and wetlands.

"Hard surface" means an impervious surface, a permeable pavement, or a vegetated roof.

"Hazard tree" means a tree found by an International Society of Arboriculture (ISA) Tree Risk Assessment Qualified (TRAQ) arborist, or other expert approved by the Director, to have a structural defect, combination of defects or disease resulting in a structural defect that, under the normal range of environmental conditions at the site, will result in the loss of a major structural component of the tree in a manner that will:

- (1) Damage a residential structure or accessory structure, place of employment or public assembly or approved parking for a residential structure or accessory structure or place of employment or public assembly;
- (2) Damage an approved road or utility facility; or

(3) Prevent emergency access in the case of medical hardship.

“Hazardous material” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of, or otherwise managed, as defined under applicable State and Federal laws, rules, and regulations.

Hazardous waste: all dangerous waste (DW) and extremely hazardous waste (EHW) as defined in RCW 70.105.010.

Hazardous waste storage: the holding of dangerous waste for a temporary period as regulated by the State of Washington Dangerous Waste Regulations, Chapter 173-303 WAC.

Hazardous waste treatment: the physical, chemical or biological processing of dangerous waste to make wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage or reduced in volume.

“Hearing body” means the person or board that conducts a public hearing per SCC Chapter 14.06.

“Historic site” means both archaeological and historic sites, structures, or development which contributes to Skagit County’s cultural and historic heritage, including, but not limited to, Indian and pioneer settlements, old buildings, forts, trails, landings, bridges, or the sites thereof together with interpretive facilities.

Hydrogeological susceptibility: the degree to which groundwater may become contaminated depending on the local hydrologic characteristics.

Hydrogeology: the study of subsurface waters, their origin, occurrence, movement and quality.

Hydrograph: a graph of runoff rate, inflow rate, or discharge rate past a specific point over time.

“Impervious surface” means a nonvegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A nonvegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities are not considered as impervious surfaces for the purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities must be considered impervious surfaces for purposes of runoff modelling.

In-kind compensation: to replace critical areas (e.g., wetlands) with substitute critical areas (e.g., wetlands) whose characteristics closely approximate those destroyed or degraded by a regulated activity.

Junk: means any solid, nonorganic, non-putrescible solid waste including discarded or salvaged materials, scrap metals or other scrap material; used or scrap building, plumbing, electrical, and heating materials; discarded household appliances, furnishings, and fixtures; or dismantled or demolished machinery including unlicensed and/or inoperable vehicles.

Lake: a naturally or artificially created body of deep (generally greater than 6.6 feet) open water, 20 acres or greater, that persists throughout the year and meets the definitional criteria for a deepwater habitat. Portions of a lake that meet the definitional criteria for “wetland” are regulated under the wetland section of this Title.

Land disturbing activity: any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, clearing, grading, filling and excavation. Compaction that is associated with stabilization of structures and road construction is also considered land disturbing activity. Vegetation maintenance practices, including landscape maintenance and gardening, are not considered land disturbing activity. Stormwater facility



maintenance is not considered land disturbing activity if conducted according to established standards and procedures.

“Land division” means the division of a lot, tract, or parcel of land into 2 or more lots, tracts, parcels, or other divisions of land for sale, development, or lease through any form of subdivision or binding site plan.

Land use impact: the impact of a land use on adjacent wetlands, based on the land use impacts in Table 8C-3 (as updated in 2014) of Department of Ecology Publication No. 05-06-008, Wetlands in Washington State, Volume 2, consisting of three levels:

Low impact land use: land uses which are associated with low levels of human disturbance or low habitat impacts, including, but not limited to, passive recreation, open space, or forest management land uses.

Moderate impact land use: land uses which are associated with moderate levels of human disturbance or substantial habitat impacts including, but not limited to, low-density residential (no more than one home per five acres), active recreation, and moderate agricultural land uses.

High impact land use: land uses which are associated with high levels of human disturbance or substantial habitat impacts including, but not limited to, medium- and high-density residential (more than one home per five acres), multifamily residential, some agricultural practices, and commercial and industrial land uses.

Landslide: down slope movement of a mass of soil, or rock, including, but not limited to, rock falls, slumps, mud flows, debris flows, torrents, earth flows and avalanches.

Landslide hazard areas: areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

Large woody debris (LWD) recruitment: standing timber which has the potential, during the course of natural events, to contribute organic materials to the stream, thus providing stream bank protection and in-stream habitat. LWD includes woody material (logs, rootwads, etc.) that are greater than 10 centimeters in diameter and 1 meter or greater in length.

“Legal lot” means a lot that meets the criteria in SCC 14.70.040.

“Long-term commercial significance” includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land’s proximity to population areas, and the possibility of more intense uses of the land.

“Lot” means a contiguous quantity of land in possession of, owned by or recorded as the property of a person and includes any individually numbered or separately designated parcels of property in an approved subdivision or development.

“Building lot” means a lot created for the purpose of building development under the intended use of the zone.

“Parent lot” means a lot that has been divided into unit lots through a unit lot subdivision.

“Substandard lot” means a lot that does not meet the minimum size or width requirements or is unable to meet the minimum setback requirements of the zone.

“Unit lot” means a subdivided lot within a residential development as created from a parent lot and approved through the unit lot subdivision process.

“Lot certification” means a determination per SCC 14.06.140 whether a lot is eligible for conveyance or both conveyance and development.

“Lot coverage” means the percent of area of a lot that may have buildings located thereon.

“Lot width” means the length of the front lot line, or the distance between 2 side lot lines measured at the front setback line, whichever is greater.

Low-impact development (LID): a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

Low impact development best management practices (LID BMP): distributed stormwater management practices, integrated into a project design, that emphasize predisturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, vegetated roofs, minimum excavation foundations, and water reuse.

“Meteorological tower” means a temporary tower that is primarily designed to measure wind speed and directions plus other data relevant to siting wind energy systems and which are erected for a period of 24 months or less. Meteorological towers do not include towers and equipment used by airports, the Washington Department of Transportation, or other similar entities to monitor weather conditions.

“Mine hazard area” means area underlain by or affected by underground mine workings such as adits, tunnels, air shafts and those areas adjacent to steep slopes produced by open pit mining or quarrying, but excluding any areas where the mine workings have been properly stabilized and closed and made safe consistent with all applicable Federal, State and local laws.

“Mineral resource lands” means lands containing mineral deposits, both active and inactive, that have a known or potential long-term significance for the extraction of minerals and which are in close, economic proximity to locations where the deposits are likely to be used.

“Mineral” means clay, coal, gravel, industrial minerals, valuable metallic substances, sand, stone, and other similar solid materials or substances to be excavated from natural deposits on or in the earth for commercial, industrial, or construction use.

“Mining” means the removal of naturally occurring metallic and non-metallic minerals and other related materials from, on and beneath the earth’s surface. Normally, such removal is for commercial and construction purposes. Mining in general includes deep pit, open pit, or surface mining, quarrying, and placer or hydraulic mining.

“Surface mining” or “open-pit mining” involves either the removal of surface material (overburden) to enable the underlying mineral resources to be exposed and extracted (quarried) or the direct extraction of naturally occurring surface minerals and materials such as rock, sand, gravel and aggregate. Removal of sand from river bars is considered a surface mining activity.

“Mining operations” means all mine-related activities, including:

- (1) The mining or extraction of rock, stone, gravel, sand, earth, and other minerals;
- (2) Blasting, equipment maintenance, sorting, crushing, and loading;
- (3) On-site mineral processing including asphalt or concrete batching, asphalt or concrete recycling, and other aggregate recycling;
- (4) Transporting minerals to and from the mine, on-site road maintenance, road maintenance for roads used extensively for surface mining activities, traffic safety, and traffic control.

“Minor access” means private roads or roads listed as class 09 on the County Road Information System.

Minor leg(s): for a “T” or 3-leg intersection, the leg of the intersection having the lowest traffic volume. For a 4-leg intersection, the 2 legs having the lowest traffic volumes.

Mitigation banking: an approved program including the creation, restoration, or enhancement of wetland or other aquatic habitats and their functions and values together with a program of administrative functions expressly for the purpose of providing compensatory mitigation in advance of proposed discharges into waters of the United States, including wetlands, where mitigation cannot be achieved at the site of the impact.

Mitigation plan: a detailed plan indicating actions necessary to mitigate adverse impacts to critical areas.

Modulation (of a facade): stepping back or extending forward a portion of the facade or exterior wall.

Motorized vehicle recreation facility: a privately owned, publicly used outdoor facility for recreation with minimal associated structures and buildings, which do not involve overnight stays, and include continuous operation of motorized vehicles as an inherent part of the facility's operation. Examples include bumper boats, go-cart tracks, and bumper cars.

Native vegetation: pursuant to the NPDES permit, vegetation comprised of plant species other than noxious weeds that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to occur naturally on the site. Examples include trees such as Douglas fir, western hemlock, western red cedar, alder, big-leaf maple, and vine maple; shrubs such as willow, elderberry, salmonberry, and salal; and herbaceous plants such as sword fern, foam flower, and fireweed.

"Natural Resource Lands" means the lands zoned "Natural Resource Land" identified in SCC 14.38.010.

Nonconformance or nonconforming: any use, improvement or structure established in conformance with Skagit County rules and regulations in effect at the time of establishment that no longer conforms to the range of uses permitted in the site's current zone or to the current development standards of the Code due to changes in the Code or its application to the subject property.

Non-forestry use: an active use of land that is incompatible with timber growing.

Non-soil dependent: any use which is included in the definition of agriculture, but which is not dependent on the use of native, indigenous soil or which does not allow continued and future use of the soil for growing crops.

NPDES permit: the permit that authorizes Skagit County to discharge surface water runoff to the waters of the state, known as the National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permit for Discharge from Small Municipal Separate Storm Sewers in Western Washington, and which is referred to throughout this Code as "the County's NPDES permit."

"NPDES permit area" means the areas of unincorporated Skagit County where the County's NPDES permit applies.

"NRCS technical service provider" means an individual, nonprofit organization, private entity or public agency that has been certified or "conditionally certified" by the Natural Resources Conservation Service to provide technical assistance on behalf of the United States Department of Agriculture in conservation planning and the design, layout, and checkout of approved conservation practices.

Nuisance: all violations of land use ordinances, statutes and regulations contained in this Code are hereby declared to be detrimental to the public health, safety and welfare and as such constitute nuisances.

Official controls: legislatively defined and enacted policies, standards, precise detailed maps and other criteria, all of which control the physical development of a county or any part thereof or any detail thereof. Such official controls may include but are not limited to ordinances establishing zoning, subdivision control, platting, and adoption of detailed maps.

Off-site drainage analysis: a study of those land areas contributing surface runoff to a development site as well as a study of the existing and predicted impacts of surface runoff from the development site on properties and drainage features that have the potential to receive stormwater from the development site.

"Off-site mitigation" means to replace critical areas, critical area buffers or their functions or values away from the site on which the critical area or buffer has been adversely impacted by a regulated activity.

"Ongoing agriculture" means the continuation of any existing agricultural activity on Agricultural—Natural Resource lands or Rural Resource—Natural Resource lands, including crop rotations; provided, however, that 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 is, at the time of CaRD approval, automatically be subject to the buffer requirements of SCC 14.24.530 and is no longer subject to

the provisions of SCC 14.24.120. Activities undertaken for the first time after May 13, 1996, the date Skagit County adopted Ordinance 16156, the Critical Areas Ordinance, do not constitute “ongoing agriculture”; provided, that any lands that were fallow on May 13, 1996, but had been in agricultural production within 5 years prior to May 13, 1996, is considered “ongoing agriculture” for purposes of this definition. Activities that bring an area into agricultural use are not considered ongoing agriculture. In addition, in order for parcels of land under 20 acres to qualify under this definition, they must meet the criteria of RCW 84.34.020(2)(b) and (c).

“On-site compensation” means to replace critical areas at the site on which a critical area has been impacted by a regulated activity.

“Open-record hearing” means a hearing, conducted by the hearing body or officer authorized by SCC 14.06.150 to conduct such hearings, that creates the record through testimony and submission of evidence and information.

“Open-record pre-decision hearing” means an open-record hearing held prior to the decision on a project permit.

“Open-record appeal hearing” means an open-record hearing held on an appeal if no open-record pre-decision hearing has been held on the project permit.

“Open space” means any land area, the preservation of which in its present use would conserve and enhance natural or scenic resources; or protect streams or water supplies; or promote conservation of soils, wetlands, beaches or tidal marshes; or enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, sanctuaries or other open space; or enhance recreation opportunities; or preserve historic sites. In a Conservation and Reserve Development (CaRD), open space is an area that meets the specific requirements of Chapter 14.78 SCC.

“Public open space” means publicly owned land that has been or will be set aside for open space and recreational use.

“Private open space” means privately owned land that has been or will be set aside by operation of the Critical Areas Ordinance, by voluntary conservation, or by land reserve easements. The current use open space taxation program includes properties utilized for agriculture, timber, and open space uses as provided in Chapter 84.24 RCW.

Operation and maintenance of diking and drainage systems: the clearing of vegetation, the planting and maintenance of sod covering, the use of rock armor, floodwalls, sandbags, and other flood fighting materials to prevent inundation, and the making of necessary repairs to restore existing structures and facilities, such as dikes, levees, ditches, drains, and pump stations within specific areas identified under SCC 14.24.100(9).

“Ordinary high water mark” or “OHWM” means, on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, or as it may naturally change thereafter; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water is the line of mean higher high tide and the ordinary high water mark adjoining fresh water is the line of mean high water.

Outdoor advertising: all publicly displayed messages such as signs, billboards, placards, pennants or posters, whose purpose is to provide official and commercial information, direction and advertising.

Outdoor working area: the area outside of any enclosed structures where commercial or industrial activities of a rural business historically, meaning over several successive years, and predominantly, meaning more than just incidental use, have been conducted.

**Out-of-kind compensation:** to replace a critical area (e.g., wetland) with a substitute critical area (e.g., wetland) whose characteristics do not closely approximate those destroyed or degraded by a regulated activity.

**Overlay zone:** a zone which is applied to a given area in addition to an underlying or base zone. Properties within an overlay zone are subject to the requirements of both the underlying zone and the overlay zone.

**Overload tolerance standard:** the percent of total vehicle miles traveled (VMT) on the County road system that is allowed to exist on roads with an unmet improvement need. This is a part of the Birdsall LOS method. (For a detailed discussion of this concept, see Ch. V, Level of Service Standards, in the Transportation System Plan.)

**Owner occupancy:** when a property owner as reflected in title records who makes his or her legal residence at the site as evidenced by filing an affidavit with the Skagit County Auditor's Office and who resides at the site more than 6 months out of any given year.

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

**"Off-street parking space"** means an area adequate for parking a vehicle, located totally outside of any street or alley right-of-way.

**"Party of record"** means any person who has testified at a hearing or has submitted a written statement related to a project permit application and who provides the County with a complete address, or a person who has formally requested to receive information via a written statement with a complete mailing address within the official comment period.

**Performance standards:** criteria or limits related to critical area protection for a particular use or activity. Performance standards refer to the degree of allowed hazard, environmental damage, nuisance from smoke, dust, noise, glare, odor, erosion and sediment, runoff, liquid, solid, or airborne wastes, fumes or traffic or reduction in environmental functions and values resulting from a permitted land use activity.

**Permeable pavement:** pervious concrete, porous asphalt, permeable pavers or other forms of pervious or porous paving material intended to allow passage of water through the pavement section.

**Permitted use:** any use authorized or permitted alone or in conjunction with another use in a specified zone and subject to the limitations of the regulations of such zone.

**"Person"** means an individual, corporation, partnership, association, or other legal entity.

**Planned capacity:** a measure of roadway traffic capacity based on safety and multimodal roadway use. Employed in the Birdsall method, it takes into consideration the paved width of the roadway and shoulders. Planned capacity is often much lower than the actual physical traffic capacity used in Highway Capacity Manual LOS methods.

**"Pollutant"** means anything which causes or contributes to pollution, as defined under applicable State and Federal laws, rules, and regulations.

**"Pollution"** means contamination or other alteration of the physical, chemical, or biological properties of waters of the State. Pollution includes, but is not limited to, change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the State as will or is likely to create a nuisance or render such waters harmful.

**Pond:** a naturally or artificially created body of deep (generally greater than 6.6 feet) open water, under 20 acres, that persists throughout the year and meets the definitional criteria for a deepwater habitat. Farm ponds are excluded from this definition.

Porosity: (1) the ratio, usually expressed as a percentage, of the total volume of voids of a given porous medium to the total volume of the porous medium; (2) the volume percentage of the total bulk not occupied by solid particles.

Potentiometric surface: an imaginary surface representing the static head of groundwater and defined by the level to which water will rise in a tightly cased well.

Pre-development conditions: site conditions as they existed prior to manmade alterations other than those alterations that have been made with a prior Skagit County approved stormwater drainage plan, or alterations that existed prior to the effective date of the ordinance codified in this Title.

Primary association: the fundamental link between a species and land or aquatic area where anadromous fish, endangered, threatened or sensitive species breed or feed.

Primary or principal building or use: that structure or use for which a property is primarily used, that may be either permitted outright or through a special use process.

Primary surface: a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of the runway; for military runways or when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway along its length.

“Principal use” means a use, other than an accessory use, that is allowed in the zone as a permitted or special use.

Private road: a road located within a tract or easement which is owned by a corporation, homeowners association, or held in common interest.

Professional land surveyor: a person who is qualified to practice land surveying as attested by the surveyor’s legal registration as a professional land surveyor in the State of Washington.

Project area: that portion of contiguous ownership, included in a site plan, that is the subject of a development proposal.

Project engineer: the professional engineer responsible for the design of the project, who will affix his/her seal on project plans and drainage analyses. The project engineer must be licensed in the State of Washington and qualified by experience or examination.

“Project permit” means a “project permit” as defined by RCW 36.70B.020, or any other permit or authorization required by the Department for construction or exterior alteration of structures (including building permits and other permits issued pursuant to SCC Title 15), dredging, drilling, dumping, filling, earth movement, clearing or removal of vegetation, Class IV general forest practices, Class III forest practices with Conversion Option Harvest Plans as defined in Chapter 222-16 WAC, or other site disturbance; but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations.

Propagation map: a map that shows signal strength and/or other engineering evidence from the proposed site in relation to existing and other proposed cell sites.

“Property owner” means any person, agent, firm or corporation having a legal or equitable interest in the property.

“Protected critical area” or “PCA” means those critical areas and associated buffers located on a proposed project or activity site that have been identified and designated as PCAs through the critical areas site assessment and review process. PCAs must be put into separate tracts, easements, or open space designation, all with protective covenants, as part of a development proposal involving a land division (i.e., short subdivision, long subdivision, PUD, binding site plan, or other form of multiple-lot land division). In the case of development proposed on pre-existing lots where no division of land is involved, PCAs must be identified on site plans and protected by conditions of approval. PCAs must be clearly

shown on the face of recorded plats and site plans and must be recorded with the County Auditor. PCAs can be included in the total acreage for development and may be used in lot area calculations.

Public gardens: ornamental display gardens or produce farms open to the public.

“Public hearing” means a hearing at which evidence is presented and testimony is taken.

Public services: include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

“Public sewer system” means a State-approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

“Public water service” means water service from Skagit PUD or the City of Anacortes or another Group A community water system as defined in WAC 246-290-020.

“Qualified professional” means a person with training and four years of work experience in the applicable field or critical area.

- (1) A qualified professional for wetlands must have a bachelor’s degree or equivalent in biology, ecology, soil science, botany, or related field and relevant professional experience in functional assessment and mitigation techniques in Western Washington or comparable systems.
- (2) A qualified professional for watercourses and wildlife habitat conservation areas must have a bachelor’s degree or equivalent in wildlife biology, ecology, fisheries, or closely related field and relevant professional experience in functional assessment and mitigation techniques.
- (3) A qualified professional for preparing geotechnical reports and geotechnical design recommendations must be a professional engineering geologist or civil engineer, licensed in the State of Washington, with relevant professional experience in geotechnical engineering, including experience with landslide evaluation.
- (4) A qualified professional for critical aquifer recharge areas must be a hydrogeologist, geologist, or professional engineer, licensed in the State of Washington, who has relevant professional experience analyzing geologic, hydrologic, and groundwater flow systems.
- (5) A qualified professional for stormwater management must be a geologist licensed in the State of Washington or a professional engineer and meet the applicable requirements specified in the Stormwater Management Manual.

“Reasonable alternative” means, in the context of Chapter 14.24 SCC, those that are capable of being carried out, taking into consideration the overall project purposes, needs and objectives. In determining what is a “reasonable alternative” for a proposed development, alteration or activity, the Department may consider the purpose, effectiveness, engineering feasibility, commercial availability of technology, best management practices, safety and cost of the alternative action or proposal.

“Receiving waters” means naturally and/or reconstructed naturally occurring surface water bodies, such as creeks, streams, rivers, lakes, wetlands, estuaries, and marine waters, or groundwater, to which a MS4 discharges.

“Recreational vehicle” means a park model RV, trailer, or a vehicle that is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Redivision: any new land division within a lot of an existing land division.

“Regulated wetland” means a wetland area and associated buffers that would be or have been determined through a site assessment to be subject to the provisions of this Code.

Remodel: to renew, renovate or make over a part of an existing building for the purpose of its appearance or layout. Remodel may include repair or relocation of interior walls but does not include repair, replacement or relocation of any of the exterior floors, walls or roof.

“Request for investigation” means the written statement filed as described in Chapter 14.09 SCC.

Requirements (water quality): a set of predetermined distances (setbacks), design criteria and materials, and other groundwater protection measures such as disallowing the use of dry wells, etc.

Residential lot: designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon for residential use.

Residential structure: all structures serving or designed as a dwelling unit, residence or for occupation by residents.

“Resource management system plan” or “RMS plan” means a plan that has been prepared in consultation with the Skagit Conservation District or the Natural Resources Conservation Service (NRCS), may or may not include enrollment in the Conservation Reserve Enhancement Program (CREP), and includes conservation practices and resource management objectives that meet the NRCS Field Office Technical Guide minimum resource protection standards of Section 4 thereof and quality criteria of Section 3 thereof for each natural resource (soil, water, animals, plants and air).

Restoration: measures taken to restore an altered or damaged natural feature including:

- (1) Active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and
- (2) Actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events.

Retention/detention facility: a type of drainage facility designed to either hold water for a considerable length of time and then release it by evaporation, plant transpiration, and/or infiltration into the ground; or to hold surface and stormwater runoff for a relatively shorter period of time and then release it to the surface and stormwater management system.

“Review time period” means the allowed time for review of a project permit application specified for each type of review in Table 14.06.150-1 and calculated by SCC 14.06.170.

“Rezone” means a change in zoning from one zone to another.

Right-of-way: a strip of land dedicated for use as a public way.

“Riparian area” means an area adjacent to rivers and streams that contain elements of both aquatic and terrestrial ecosystems that mutually influence each other. Widths must be measured from the ordinary high water mark or from the top of bank if the ordinary high water mark cannot be identified. Riparian habitat areas include those riparian areas severely altered or damaged due to human development activities.

“Road” means “street.”

“Rural character” means the patterns of land use and development established by a county in the rural element of its Comprehensive Plan:

- (1) In which open space, the natural landscape, and vegetation predominate over the built environment;
- (2) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- (3) That provide visual landscapes that are traditionally found in rural areas and communities;



- (4) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- (5) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- (6) That generally do not require the extension of urban government services; and
- (7) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

Rural Village: predominantly residential unincorporated rural communities or centers supported by limited commercial and compatible industrial, and community services which typically include a post office, church, elementary school, fire hall, grocery store, service station, tavern, restaurant, or other small retail business catering to local rural needs. Compact development within designated boundaries distinguishes a village from surrounding undeveloped land.

“Seismic hazard area” means an area that is subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, or surface faulting.

“SEPA” means the Washington State Environmental Policy Act, implemented locally by Chapter 16.12 SCC.

“Setback” means an exclusion area defined by Chapter 14.28 or another section of SCC Title 14.

“Shoreline Master Program” or “SMP” means the County’s program adopted pursuant to the Shoreline Management Act, Chapter 90.58 RCW. SMP development regulations are found in Chapter 14.48 SCC.

“Shoreline permit” means a shoreline substantial development, variance, conditional use permit, or revision authorized under the County’s Shoreline Master Program, Chapter 14.48 SCC, or Chapter 90.58 RCW.

Shorelines of the State: the total of all shorelines and Shorelines of State-wide Significance within the State as defined in RCW 90.58.030, also known as the Shoreline Management Act.

“Sign” means any display of letters, figures, designs, devices, pictures, logos, emblems, insignia, numbers, lines or colors or any combination thereof, visible to the public for the purpose of making anything known or attracting attention. The flag, emblem, insignia, poster or other display of a nation, political unit, educational, charitable, religious or similar group, campaign, nonprofit drive or event or the architectural features or characteristics of a building which do not have an advertising message on, or as an integral part, thereof are not included within the meaning of this definition. Signs only visible within the structure are not included within this definition.

Site assessment: a site-specific analysis which identifies the presence of critical areas, classifies and designates the critical areas, documents site conditions, analyzes impacts (including long-term impacts) due to short-term or ongoing disturbances, and identifies appropriate mitigation measures. Site assessments include wetland reports, hydrogeologic reports, geotechnical reports and habitat management plans.

Site plan: scale drawing which shows the areas and locations of all buildings, streets, roads, improvements, easements, utilities, open spaces and other principal development features for a specific parcel of property.

Site visit: a preliminary on-site inspection of an area where an activity has been proposed in order to determine the likelihood that critical area indicators are present. (See “Site assessment.”)

Six-Year Transportation Improvement Program (6-Year TIP): a plan or schedule showing specific expenditures for transportation capital projects over a 6-year period.

Skagit County Road Standards: the standards adopted by the Board of County Commissioners for all County roads.

Soil dependent: any use that is included in the definition of agriculture which is dependent on the use of native, indigenous soil and which allows continued and future use of the soil for growing crops.

Soil Survey of Skagit County: the most recent U.S. Department of Agriculture Comprehensive Soil Survey of Skagit County. The survey provides detailed soils information useful for wetland detection, including information on soil hydrology and a series of maps using aerial photography.

Soils engineer: a practicing engineer licensed as a professional engineer in the State of Washington who has at least 4 years of professional employment as an engineer dealing with soil descriptions and characterizations.

“Sole-source aquifer” means an area designated as a sole-source aquifer by the Environmental Protection Agency pursuant to the Federal Safe Drinking Water Act.

Solid waste: all putrescible and non-putrescible solid and semi-solid waste including garbage, ashes and sludge, industrial wastes, swill, demolition and construction wastes, and any other discarded materials.

“Solid waste handling facility” means a facility that manages, stores, collects, transports, treats, uses, processes or disposes of solid waste, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from such wastes or the conversion of the energy in such wastes to more useful forms or combinations thereof.

Species.

“Endangered species” means any fish or wildlife species that is threatened with extinction throughout all or a significant portion of its range and is listed by the state or federal government as an endangered species.

“Priority species” means any fish or wildlife species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels as classified by the Washington Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate and monitor species, and those of recreational, commercial, or tribal importance.

“Threatened species” means any fish or wildlife species that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the State or Federal government as a threatened species.

Sprawl: the inappropriate conversion of undeveloped land into sprawling low-density development.

Standards, groundwater: standards established by EPA regulations and/or State of Washington regulations, which are represented by health-based numbers such as the maximum contaminant levels (MCL).

“Steep slopes” means slopes that meet the criteria listed in Chapter 14.24 SCC.

“Stormwater” means runoff during and following precipitation and snowmelt events, including surface runoff, drainage, or interflow.

Stormwater facility: a constructed component of a stormwater drainage system designed or constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and biofiltration swales.

“Stormwater Management Manual” means the County’s manual for design of stormwater facilities, as adopted in SCC 14.32.040.

“Stormwater system” means all natural and manmade systems that function together or independently to collect, store, purify, discharge, and convey stormwater. Included are all stormwater and drainage facilities as well as natural systems such as streams and creeks and all natural systems which convey, store, infiltrate, or divert stormwater.

“Stormwater treatment and flow control BMPs/facility” means detention facilities, treatment BMPs/facilities, bioretention, vegetated roofs, and permeable pavements that help meet Minimum Requirement No. 6 (treatment), Minimum Requirement No. 7 (flow control), or both.

Streambank stabilization to protect designated agricultural lands: includes, but is not limited to, log and debris removal, bank protection (including riprap, jetties, and groins), gravel removal and erosion control consistent with RCW 75.20.103.

Stream type maps: a map displaying the Department of Natural Resources classification system developed for waters of the State as part of the State’s forest practices regulations. This classification system generally categorizes waters of the State according to domestic use, use by substantial numbers of anadromous or resident game fish, and significance for the protection of downstream water quality. The system is described in WAC 222-16-030.

“Street” means a public or private thoroughfare which provides the principal access to abutting properties. Specific street designations are outlined in the Skagit County Road Standards.

“Structure” means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner excluding fences under 6 feet in height.

“Subdivision” means a short or long subdivision. The preferred term for any kind of division is “land division.”

“Final subdivision” means the final drawing of the subdivision and dedication prepared for filing for record with the County Auditor and containing all elements of requirements set forth in this Title.

“Long subdivision” means the division of land into 5 or more lots, tracts, parcels, sites, or divisions, for the purpose of sale, lease, or development, and includes the resubdivision of land.

“Preliminary subdivision” means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this Title. The preliminary subdivision must be the basis for the approval or disapproval of the general layout of the subdivision.

“Short subdivision” means the division of land into 4 or fewer lots, tracts, parcels, or sites for the purpose of sale, lease, or development.

“Subject property” means the tract of land that is the subject of the permit or approval action, as defined by the full legal description of all parcels involved in the proposed development.

Substantial damage: means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Surface water: waters that flow over the land surface and frequently interact with groundwater.

“Temporary,” as the term relates to pre-manufactured or site-built structures, and recreational vehicles (including park model trailers), means occupied and existing on a lot for no more than 180 days during any 12-month period unless otherwise stipulated through official approval.

“Temporary manufactured home” means the temporary placement of 1 manufactured home on a parcel with an existing residence to accommodate the housing needs of disabled or elderly family members or to house 1 farm worker and his/her immediate family. Documentation of the need for nearby care or that the nature of the employee’s work requires said employee to be immediately available to the job site is required by a doctor and/or physician or by the farm owner/operator. This second temporary dwelling unit must be removed from the property when the family member or farm employee is no longer using the manufactured home.

Tideland: the land on the shore of marine water bodies between ordinary high water or near high water and the line of extreme low tide which is submerged daily by tides.

Timber: forest trees standing or down of a commercial species, including Christmas trees.

Timber land: any parcel of land that is 5 or more acres or multiple parcels of land that are contiguous and total 5 or more acres which is devoted primarily to the growth and harvest of forest crops for commercial purposes. A timber management plan must be filed with the County legislative authority at the time an application is made for classification as timber land pursuant to this Title, or when a sale or transfer of timber land occurs and a notice of classification continuance is signed.

“TSM strategies” means increased public facility service, ride-sharing programs, demand management, and other transportation systems management techniques.

“Unit lot subdivision” means a land division created by the division of a parent lot into two or more unit lots within a development, through the unit lot subdivision process.

Unlicensed/inoperable vehicle: an unlicensed or inoperable vehicle, except a farm vehicle, or any vehicle stored in a legally constructed building.

“Urban governmental services” or “urban services” includes those governmental services historically and typically delivered by cities, and include storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with non-urban areas.

Urban growth: refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. “Characterized by urban growth” refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

“Urban growth area” means an area designated by a county pursuant to RCW 36.70A.110.

“Urban Reserve Development Permit” means a permit issued per Chapter 14.57 SCC.

“Use” means the specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

“Variance” means a grant of relief from the requirements of this Code that permits construction in a manner that would otherwise be prohibited by this Code. See Chapter 14.58 SCC.

V-ditching: is the practice of cutting ditches into a field after the crop has been harvested in the fall where necessary to drain surface and groundwater from the field during the winter months. This practice is necessary to allow sufficient time in the spring for the fields to dry out before planting and to prevent the inundation of over-wintering crops. V-ditches are then plowed under when the field is planted in the spring.

“Volcanic hazard area” means those areas subject to pyroclastic flows, lava flows, debris avalanches, and inundation by debris flows, mudflows, lahars or related flooding resulting from volcanic activity.

“Water-dependent” means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

“Watercourse” means all artificial watercourses, modified natural watercourses, and natural watercourses, as defined by this Section.

“Artificial watercourse” means ditches and other water conveyance systems, not constructed from natural watercourses, which are artificially constructed and actively maintained for irrigation and drainage. Artificial watercourses include lateral field ditches used to drain farmland where the ditch did not replace a natural watercourse.

“Modified natural watercourse” means that segment of a natural stream that has been modified and is maintained by diking and drainage districts, and where such modification activity was done as a

permitted activity that has undergone environmental review (SEPA and/or NEPA), and is in compliance with all necessary permits in effect at the time of its approval.

“Natural watercourse” means any stream in existence prior to settlement that originated from a natural source. An example of a natural watercourse is a stream that originates in the foothills, flows through agricultural and/or urban land, and empties into a saltwater bay or another watercourse.

Watershed: a geographic region within which water drains into a particular river, stream or body of water.

“Wellhead protection area” means the surface and subsurface recharge area through which contaminants are likely to pass and eventually reach the point or points of withdrawal for a well(s), wellfield(s) or surface water that supplies a public water system, for which a wellhead protection program is required pursuant to Chapter 246-290 WAC.

“Wetland” or “wetlands” means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. ~~For the purposes of this Title, those portions of a lake that meet the definitional criteria for “wetland” shall be regulated under the wetland section of this Title.~~ Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.

Wetland delineation: mapping wetlands and establishing a wetland edge or boundary in accordance with the manual adopted under RCW 36.70A.175 pursuant to RCW 90.58.380.

“Zone” means a legislatively defined and enacted policy, including standards, a detailed map and other criteria, all of which control and define areas of physical development of the County or any part thereof or any detail thereof and which are classified by the zoning ordinance as available for certain uses and unavailable for certain other uses.

#### **14.04.030 Symbols.**

*No change.*

## **Chapter 14.06 Permit Procedures\***

*The sections below are amended as follows. The remainder of the chapter is unchanged.*

#### **14.06.120 Applicability.**

- (1) This Chapter applies to all project permits issued per SCC Titles 14 and 15, applications for such permits, and appeals of such applications and permits.
- (2) Shoreline permits and shoreline letters of exemption are processed pursuant to this Chapter except where SCC Chapter 14.2648, Shorelines, requires different procedures than those in this chapter, in which case the provisions of SCC Chapter 14.2648 must be followed.

#### **14.06.140 Lot certification**

- (1) Purpose. Lot certification is intended to determine:
  - (a) whether a lot is was legally created; and ~~therefore~~ eligible for conveyance; and
  - (b) whether or not the lot is eligible for development.
- (2) Applicability.

- (a) Lot certification is a required component of an application for:
    - (i) All types of land use permits including land divisions and boundary line adjustments;
    - (ii) Building permits for new residential, commercial, industrial, or institutional structures or structures accessory thereto; and
    - (iii) New on-site sewage systems pursuant to SCC 12.05.090.
  - (b) Exception. An application identified in Subsection (2)(a) of this Section may rely on an existing approved lot certification for a property with the same legal description.
  - (c) Lot certification is also required to determine whether a lot may be legally conveyed.
  - (d) Lot certification may be applied for independent of any other permit.
- (3) Application Requirements.
- (a) An application for lot certification must include evidence that the lot in question meets the definition of a legal lot. ~~“lot of record.”~~ A separate assessor’s parcel number is by itself not sufficient evidence that the lot meets the definition of a legal lot. ~~“lot of record.”~~
  - (b) A lot owner may apply for lot certifications for a group of undeveloped lots contained within a land division approved on or after March 1, 1965, as a single lot certification application.
- (4) Review of Application. Upon receipt of a complete application for lot certification: ~~the Director must determine if the subject parcel is a legal lot and whether it is eligible for development per Chapter 14.40 SCC.~~
- ~~(a) Conveyance. The Director must determine whether the lot is eligible for conveyance, either because the lot meets the definition of “lot of record” in SCC 14.04.020, or because the lot is owned by an innocent purchaser who meets the requirements described in SCC 14.18.000(9) and RCW 58.17.210 for the specified lot.~~
  - ~~(b) Development. The Director must determine whether the lot is eligible for development as follows:~~
    - ~~(i) A lot that is restricted from development by prior County decision or action (e.g., plat notes, open space designation) is not eligible.~~
    - ~~(ii) A lot that does not meet the definition of “lot of record” in SCC 14.04.020 is not eligible.~~
    - ~~(iii) A lot of record that meets the minimum lot size requirements of its zone is eligible.~~
    - ~~(iv) A lot of record that does not meet the minimum lot size requirements of its zone is a “substandard lot of record” and is only eligible if it qualifies for one or more exemptions identified in SCC 14.16.850(4)(c).~~
- (5) Decision. Approval:
- (a) Approval.
    - (i) If the Director approves a lot certification, either for conveyance or both conveyance and development, the Director must record the issued lot certification with the County Auditor with a statement of the eligibility and the basis for the determination.
    - (ii) An approved and recorded lot certification constitutes the Department’s final determination regarding legal lot ~~of record~~ status for the specified legal description. A future application for property with the same legal description does not require a new lot certification.
  - (b) Denial. If the Director denies a lot certification, the Director must:
    - (i) record the determination that the lot does not meet the legal lot requirements with the County Auditor for the purpose of warning future innocent purchasers; and
    - (ii) inform the applicant of the innocent purchaser exceptions in SCC 14.70.040.

- (6)—Denial. If the Director denies a lot certification, the Director must record the determination that the lot does not meet the lot of record requirements with the County Auditor for the purpose of innocent purchaser notification described in SCC 14.18.000(9).
- (7)—Lot Certifications Issued Under Old Code:
- (a)—A lot certification issued by the Department for a lot satisfying the provisions of former SCC 14.06.045(5) in effect at the time of certification is entitled to the same finality as a lot certification issued pursuant to this Section, after recording by the owner.
- (b)—All other previously issued lot certifications are sufficient evidence for eligibility for conveyance but require further review to determine eligibility for development.

## 14.06.150 Types of Review

Table 14.06.150-1: Types of Review is amended to read as follows. Remainder of the section is unchanged.

	Type 1 Director decision without notice	Type 2 Director decision with notice	Type 3 Hearing Examiner decision	Type 4 Board of County Commissioner decision
(1) Applications Subject to this Type of Review	<ul style="list-style-type: none"> <li>• Accessory dwelling</li> <li>• Administrative decision</li> <li>• Administrative order issued per (SCC Chapter 14.4409)</li> <li>• Application expiration (SCC 14.06.260)</li> <li>• Boundary line adjustment (SCC 14.72)</li> <li>• Building permit (SCC 15.04)</li> <li>• Critical Areas Review (SCC 14.24)</li> <li>• Flood area development permit (SCC 14.34)</li> <li>• Hazard tree removal per (SCC 14.24.130)</li> <li>• Land disturbance permit (SCC 14.22)</li> <li>• Lot certification (SCC 14.06.140)</li> <li>• Minor revision to permit (14.06.520)</li> <li>• Permit extension per (SCC 14.06.510)</li> <li>• Shoreline exemption</li> <li>• Stormwater adjustment per SCC 14.32.090(1)</li> </ul>	<ul style="list-style-type: none"> <li>• Administrative Special Use Permit (SCC 14.51)</li> <li>• Administrative variance (SCC 14.1058)</li> <li>• Critical areas variance of &gt; 25% and ≤ 50% of standard buffer width</li> <li>• Director interpretation (SCC 14.06.130)</li> <li>• Lot certification reasonable use exception per SCC 14.16.850(4)(f)</li> <li>• SEPA threshold determination</li> <li>• Stormwater exception per SCC 14.32.090(2)</li> <li>• URDP "1-acre plat" (SCC 14.16.910(3))</li> <li>• Waiver of 6-year forest practices moratorium (SCC 14.24.110)</li> </ul>	<ul style="list-style-type: none"> <li>• Critical areas variance of &gt; 50% of standard buffer width</li> <li>• Local essential public facility (SCC 14.16.6054)</li> <li>• Hearing Examiner Special Use Permit (SCC 14.51)</li> <li>• Mining operation special use permit (SCC 14.52)</li> <li>• Hearing Examiner URDP (SCC 14.16.910(2))</li> <li>• Hearing Examiner variance (SCC 14.1058)</li> <li>• Request for Hearing Examiner review Revocation of an SUP per (SCC 14.16.900(1)(b)(iii)14.51.070)</li> <li>• Shoreline permit per (SCC Chapter 14.2648)</li> </ul>	<ul style="list-style-type: none"> <li>• BOCC variance (SCC 14.1058)</li> <li>• Development agreement (SCC 14.1453)</li> <li>• Regional essential public facility (SCC 14.16.6054)</li> <li>• Site-specific rezone authorized by the comprehensive plan</li> </ul>

	<b>Type 1 Director decision without notice</b>	<b>Type 2 Director decision with notice</b>	<b>Type 3 Hearing Examiner decision</b>	<b>Type 4 Board of County Commissioner decision</b>
	<ul style="list-style-type: none"> <li>• <u>Suspension or revocation of permit (SCC 14.06.530)</u></li> </ul>			
<b>(2) Pre-Application Conference</b>	No	Yes, but can be waived	Yes, but can be waived	Yes, but can be waived
<b>(3) Notice of Application</b>	No	Yes	Yes	Yes
<b>(4) Comment Period<sup>1</sup></b>	None	15 days	15 days	15 days
<b>(5) Recommendation By</b>	None	None	Director	Hearing Examiner
<b>(6) Pre-Decision Open-Record Public Hearing</b>	No	No	Yes, held by Hearing Examiner	Yes, held by Hearing Examiner
<b>(7) Decisionmaker</b>	Director	Director	Hearing Examiner	Board of County Commissioners
<b>(8) Notice of Decision</b>	No	Yes	Yes	Yes
<b>(9) Review Time Period<sup>2</sup></b>	65 days	100 days	170 days	170 days
<b>(10) Local Appeal Available To</b>	Hearing Examiner	Hearing Examiner, then BOCC	Board of County Commissioners	None
<b>(11) Appeal Hearing</b>	Open-record	Open-record before Hearing Examiner; closed-record before BOCC	Closed-record	None

#### **14.06.410 Local appeal.**

- (1) *No change.*
- (2) *No change.*
- (3) Time to File. An appeal is timely only if it is:
  - (a) Filed with the Department within 14 days (five working days for shoreline permits) after the written notice of decision is mailed or, if a notice of decision is not required, the date of decision; and
  - (b) Accompanied by the required appeal fee.
- (4) – (10) *No change.*

#### **14.06.510 Permit term, extension, and expiration**

- (1) *No change.*
- (2) *No change.*
- (3) *No change.*
- (4) *No change.*
- (5) Validity of Permit.
  - (a) The issuance or granting of a permit, authorization, certification, or any other land use decision by the County will not be construed as a permit for, or approval of, any violation of the Skagit County Code, any other Skagit County ordinance or regulation, or any other applicable law.



- (b) A permit or other decision presuming or appearing to give authority to violate or cancel the provisions of any portion of the Skagit County Code, any other Skagit County ordinance or regulation, or any applicable federal, state, or county guideline, law, order, or regulation, including but not limited to zoning, environmental, shoreline, landslide, flood plain, critical area, and similar laws is not valid.

**Table 14.06.510-1: Permit Expiration Timelines**

Type of Permit	Initial Term	Number of Allowed Extensions	Length of Allowed Extension
Boundary line adjustment	1 year to record	1	1 year
Building permit	See SCC 15.04.030		
Critical Areas Variance	3 years to establish the use, per SCC 14.24.140(6)		
<del>Preliminary plat, short plat, binding site plan and land division</del>	Time to submit final <del>plat</del> <u>land division</u> is as set forth in SCC Chapter <del>14.18.100(6)</del> <u>14.74.130</u> and RCW 58.17.140		
Shoreline Permit	See RCW 90.58.143 and WAC 173-27-090		
Special Use Permit	3 years to establish the use	1	1 year
Variance	3 years to establish the use	1	1 year

#### **14.06.520 Permit revision.**

- (1) Applicability. This Section applies to issued project permits, except not to:
- (a) boundary line adjustments, which require a new application; nor
  - (b) revisions to preliminary or final ~~land sub~~ divisions, which are governed by SCC Chapter 14.74.
- (2) – (4) *No change.*

#### **14.06.530 Permit suspension or revocation.**

- (1) The Director may suspend or revoke any permit, certification, authorization, or any other decision issued under the provisions of this Title, whenever:
- (a) the permit is issued in error or based on or in reliance on the information, data, statements, etc., provided by the property owner, the applicant, or their agent that is incorrect, inaccurate, misleading, misrepresented, conflicting, or incomplete information; or
  - (b) the permit violates or permits a violation of any Skagit County ordinance, requirement, or regulation, or any federal, state, or county guideline, law, order, or regulation, including but not limited to zoning, environmental, shoreline, landslide, flood plain, critical area, or similar laws.
- (2) A revoked permit may not be reinstated; no work at the subject location may proceed without a new permit.
- (3) The Director, in his or her discretion, may unilaterally amend or modify a permit, certification, authorization, or any other decision issued under the provisions of this Title in lieu of suspension or revocation, where the Director determines the error can be simply rectified.
- (4) The Director may delegate the authority in this section to the Deputy Director, but may not delegate the authority to others.

# Chapter 14.07 Nonconforming Uses and Structures

## 14.07.010 Intent

- (1) It is the intent of this Chapter:
  - (a) To permit these nonconformities to continue until they are removed, but not to encourage their survival, except as expressly provided in this chapter; and
  - (b) That nonconformities may not be used as grounds for adding other structures or uses prohibited elsewhere in the same zone; and
  - (c) That nonconforming uses or structures not be allowed to expand, be altered or reconstructed except as otherwise outlined in this chapter.

## 14.07.020 General Rule

- (1) A nonconforming use or structure any lot, building, structure, or use of land, that was legally permitted at the time it was established, but is no longer permitted by current regulations.
- (2) A nonconforming use or structure is allowed to continue consistent with the limitations in this chapter.
  - (a) A change in occupancy or ownership does not affect such right to continue such use, building, or structure.
  - (b) Nonconformities may not be used as grounds for adding other structures or uses prohibited elsewhere in the same zone.
  - (c) Nonconforming uses or structures may not expand, be altered, or reconstructed except as otherwise authorized in this chapter.

## 14.07.030 Enlargement, Alteration, Expansion, or Change of Nonconforming Uses.

- (1) A nonconforming use may not be enlarged, altered, or expanded, except that a nonconforming use may be extended throughout any part of the building designed for its use prior to becoming a nonconforming use. Such an extension must not include any structural alterations, except those required by law and no expansion of the structure or parking requirements may occur.
- (2) A nonconforming use may not be changed to any other nonconforming use, regardless of the conforming or nonconforming status of the building in which it is housed.

## 14.07.040 Enlargement, Alteration, Reconstruction of Nonconforming Buildings and Structures.

- (1) Routine maintenance and repairs may be performed on a nonconforming structure or building.
- (2) When a nonconforming building or structure is damaged by fire, natural disaster, or other calamity, said building or structure may be restored or replaced only if:
  - (a) A complete application for reconstruction or replacement is submitted within 1 year of the damage, and
  - (b) That the restoration or replacement is made to conform to the regulations of the zone in which the building or structure is located, or if such regulations cannot physically be met without reducing the size of the building, the restoration does not extend any nonconformity that existed prior to the damage.
- (3) Additions to nonconforming structures that meet all applicable zoning dimensional standards are not considered an enlargement under this section.

#### **14.07.050 Abandonment**

- (1) A nonconforming use cannot be reestablished after abandonment. If abandoned, the use of the building, structure, or site must conform with the regulations for the zone in which it is located.
- (2) For the purposes of this Chapter, abandonment means:
  - (a) An intention to abandon; and
  - (b) An overt act, which carries the implication that the owner does not claim or retain any interest in the right to the nonconforming use.
- (3) An overt act disclaiming an interest in the nonconforming use is presumed if the nonconforming use of land or building or structure ceases for any reason whatsoever for a period of one year.
- (4) The mere presence of a structure, equipment, or material does not constitute a continuance of a nonconforming use unless the structure, equipment, or material are actually being occupied or employed in maintaining such use.

#### **14.07.060 Procedure for Verifying Abandonment.**

- (1) When the Director obtains information indicating that a nonconforming use, building, or structure has or may have been abandoned, the Director may send a letter by certified mail return receipt requested to the property owner requesting:
  - (a) Confirmation of either abandonment or non-abandonment; and
  - (b) If the property owner responds that the building, structure, or use has not been abandoned, the property owner must provide documentation that the nonconforming use, structure, or building has been occupied, used, or maintained within the last year.
- (2) If the property owner fails to respond to the request within 60 days, the building, structure, or use is deemed abandoned and there is no right to an appeal.
- (3) If the property owner responds that the building, structure, or use is not abandoned, the Director must evaluate the documentation provided and any other information available to the Director and make a determination as to whether abandonment has occurred. The property owner may appeal the Director's decision as a Type 1 review per SCC 14.06.150.
- (4) Verification of abandonment under this section is not required for a use, structure, or building to be abandoned. Abandonment occurs as a matter of law when the conditions when the conditions set forth in SCC 14.07.050 are met.

### **Chapter 14.08 Legislative Actions Procedures\***

*The sections below are amended to read as follows. The remainder of the chapter is unchanged.*

#### **14.08.060 Petitions—Approval criteria for map amendments and rezones.**

- (1) A rezone or amendment of the Comprehensive Plan map must be consistent with the requirements of the Skagit County Comprehensive Plan, including any applicable designation criteria.
- (2) A change to a rural or natural resource land map designation must also be supported by and dependent on population forecasts and allocated non-urban population distributions, existing rural area and natural resource land densities and infill opportunities.
- (3) Site-specific proposals to de-designate natural resource lands must be deferred until a comprehensive countywide analysis is conducted. A change from a natural resource land map designation must also recognize that natural resource land designations were intended to be long-term designations and must be supported by and dependent on one or more of the following:

- (a) A change in circumstances pertaining to the Comprehensive Plan or public policy;
  - (b) A change in circumstances beyond the control of the landowner pertaining to the subject property;
  - (c) An error in initial designation;
  - (d) New information on natural resource land or critical area status.
- (4) A change to a UGA boundary must be supported by and dependent on the following analyses:
- (a) Population forecasts and allocated urban population distributions, existing urban densities and infill opportunities, phasing and availability of adequate services, proximity to designated natural resource lands and the presence of critical areas.
  - (b) Documented consistency of the proposed UGA expansion with Countywide Planning Policy 1.1 and the adopted 20-year population and employment allocation, including identification of any allocated but undesignated forecast population or employment.
  - (c) Planning and analysis sufficient to update and confirm the development capacity analysis for buildable land within the existing UGA for residential, commercial, and/or industrial lands, which takes into account all development approved within the overall UGA since the last UGA expansion. Minimum requirements for UGA buildable lands development capacity analyses include the following steps:
    - (i) Define vacant and underutilized (but likely to redevelop) parcels by zone.
    - (ii) Deduct from the gross land capacity by zone the following lands not available to accommodate future population or employment:
      - (A) Critical areas (and buffers as appropriate);
      - (B) Future roads/rights-of-way needs;
      - (C) Future public or quasi-public facilities needs;
      - (D) Remaining lands likely to be held off-the-market (e.g., market or other factors).
    - (iii) Apply the minimum (or average achieved) density or intensity of use in each zone to the remaining net developable acres.
    - (iv) Apply appropriate household size and/or employee land intensity standards to the output to determine total UGA population or employment capacity.
  - (d) A comparative evaluation of potential areas for UGA expansion, including:
    - (i) Planning and zoning regulations currently in place;
    - (ii) An evaluation of how a full range of urban-level infrastructure and services would be provided within potential expansion areas, including appropriate capital facility analysis; and
    - (iii) An evaluation of reasonable alternatives, other than expanding the UGA, to accommodate the forecast UGA population or employment allocation, including consideration of development regulation amendments to allow for increased densities and intensities of use in the existing UGA. Consideration of reasonable alternatives to UGA expansion must be within the discretion afforded to local governments by RCW 36.70A.110(2) to make choices about accommodating growth.
  - (e) Documentation of the proposed UGA expansion for consistency with any applicable inter-local agreement between the affected municipality and the County.
  - (f) A review of the planning and zoning regulations and any incentive programs in place to determine expected densities in the existing UGA consistent with the GMA, as interpreted by the Growth Management Hearings Board, and the adopted Comprehensive Plan.

- (g) Prior to altering urban growth areas, or as part of a periodic update, a climate impact analysis must be completed. The climate impact analysis must evaluate the greenhouse gas (GHG) and vehicle miles traveled (VMT) impacts associated with the proposed change and consider climate vulnerability and resilience scenarios created by the change. The analysis must also consider the GHG and VMT impacts associated with other feasible alternatives for accommodating projected growth. Preference must be given to alternatives that reduce per capita VMT and GHG emissions and changes that increase climate resilience and protect vulnerable populations and overburdened communities.

(5) [No change.]

## **Chapter 14.09 Enforcement Procedures**

*Recodify existing chapter 14.44 to new chapter 14.09 Enforcement Procedures.*

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# Division 1 Zoning and Land Uses

## Chapter 14.10 General Provisions

### 14.10.010 Purpose

The regulations are intended to carry out the goals and policies of the Skagit County Comprehensive Plan. This Chapter is intended to benefit the public as a whole and not any specific person or group of persons.

### 14.10.020 Applicability

- (1) This chapter applies to all zones established within unincorporated Skagit County and any project permit or project permit application.
- (2) This chapter applies to the entirety of Title 14 Division 1.

### 14.10.030 Zoning Established

- (1) Skagit County is hereby divided into zones to carry out the policies and objectives of the Comprehensive Plan. Title 14 Division 1 describes the land uses that are allowed and prohibited within each zone.
- (2) Zoning map. The official zoning map delineating the boundaries between zones and showing the zoning of specific parcels of land, together with the explanatory matter thereon, is hereby adopted by reference and declared a part of this title. The current official zoning map must be kept on file by the County in the office of the Department and is the final authority as to the current zone boundaries.
- (3) Zoning map available to public. The official zoning map must be permanently displayed at a location available to the public.
- (4) Zoning map amendments. The zones may be redefined from time to time by adoption of amendments (rezones) to the zoning map, in accordance with the procedures in Chapter 14.08 SCC Legislative Procedures, by a map or maps showing the geographical area and location of said amendments. Changes to the zoning map must be consistent with the Comprehensive Plan land use designations.
- (5) Zoning boundaries. When uncertainty exists as to boundaries of any land use zone shown on the official zone map, the following rules of construction apply:
  - (a) Where two different zones are separated by a road, the actual centerline of the right-of-way must be construed to be the zone boundary.
  - (b) Where zone boundaries are indicated on such maps as approximately following the lot or tract lines, the actual lot tract line must be construed to be the boundaries of such zone.
  - (c) Where a zone boundary on the official zoning map divides a parcel, the location of such district boundary thereon must be determined by use of the scale appearing on the zoning map.
  - (d) Zone boundaries indicated as following shorelines must be construed to follow such shorelines, and in case of change in the shoreline, must be construed as moving with the actual shoreline, except in cases where a government meander line exists, in which case the shoreline must be measured from the meander line.
  - (e) Boundaries indicated as following railroad lines must be construed to be the centerline of the right-of-way.
  - (f) Where a public street or alley is officially vacated or abandoned, the regulations applicable to the abutting property to which the vacated portion reverts apply to such vacated or abandoned street or alley.

- (g) When an uncertainty exists that cannot be resolved by the application of the foregoing rules, the Director must determine the location of such zone boundaries by written decision.

#### 14.10.040 Split Zoning

- (1) If a single lot is divided into multiple zones, each separately zoned portion of the lot may be developed, subdivided, or used consistent with the applicable zone's regulations.
- (2) Development on the lot must comply with the requirements of the zone in which the development is located.
- (3) Each separately zoned portion of the lot is treated a separate lot for meeting all applicable code requirements (e.g., minimum lot size).

#### 14.10.050 Use tables

- (1) The use tables in the chapters in Division 1 specify whether a use is allowed in a zone.
- (2) The symbols in each cell have the meanings shown below.

**Table 14.10.050-1 Key to the use tables.**

Code	Explanation
P	The use is permitted. Permitted uses are those that do not require discretionary land use approval permits, but may require building permits, shoreline permits, or other land use review.
AC	The use is permitted, but only as an accessory to a principal use.
AD	The use may be allowed by an administrative special use permit.
HE	The use may be allowed by a Hearing Examiner special use permit.
X	Where the table cell is blank or includes an "X," the use is prohibited in the zone.

- (3) No use specifically identified as allowed in any zone may be allowed in another zone where that use is not specifically identified.
- (4) Where a use qualifies as both an allowed use and a prohibited use, the use is prohibited.

#### 14.10.060 Uses allowed in all zones

- (1) Unless more specifically stated elsewhere, the uses in the following table are allowed in all zones at the level of review noted. For development standards for these uses, see the standards chapter listed.

Use	Standards	Review
Drainage maintenance	SCC 14.18	P
Net metering system, solar	SCC 14.18	P
Public use	SCC 14.18	-
—minor		P
—expansion of existing major public use up to 3,000 sf		AD
—new major public use or expansion of existing of 3,000 sf or greater		HE
Recycling drop box facility	SCC 14.18	P
Repair, replacement, and maintenance of water lines with an inside diameter of 12 inches or less	SCC 14.18	P
Transit stop	SCC 14.18	P
Utility development	SCC 14.18	-
—minor		AD
—major		HE
Wireless facilities	SCC 14.59	AD

#### **14.10.070 Uses prohibited in all zones**

- (1) In addition to any use that is prohibited by SCC 14.16.020(3) or other provisions of Skagit County Code, this Section describes additional uses that are expressly prohibited in all zones.
- (2) Consistent with SCC 14.09.320, a violation of this Section is a Class 1 civil infraction and is subject to the other penalties in SCC Chapter 14.09.
- (3) The following uses are explicitly prohibited in all zones:
  - (a) Major regional utility development;
  - (b) Marijuana production or processing in a greenhouse or any translucent structure;
  - (c) Marijuana collective garden;
  - (d) Marijuana cooperative;
  - (e) Mitigation bank;
  - (f) Outdoor growing of marijuana.
- (4) Recreational Vehicles.
  - (a) It is unlawful to use a recreational vehicle as a dwelling unit.
  - (b) It is unlawful to occupy a recreational vehicle for more than 180 days in any 12-month period.
  - (c) It is unlawful to maintain more than one occupied recreational vehicle on any lot without a special use permit for that purpose.
  - (d) It is unlawful to maintain more than two recreational vehicles on any lot without a special use permit for that purpose.
- (5) Storage in Setbacks and Rights-of-Way.
  - (a) It is unlawful to store any material or vehicle in public rights-of-way.
  - (b) It is unlawful to place a vehicle that is not currently licensed and registered in a setback.
- (6) Storage of Junk. No person may use more than 500 square feet of a lot or parcel of land for the depositing, sorting, refining, baling, dismantling, or storage of junk except when conducted entirely within an enclosed structure.

#### **14.10.080 Uses prohibited outside of fire district**

- (1) No building permit may be issued for any structure that is not within the boundaries of a Skagit County Fire District.
- (2) Exceptions. Notwithstanding the general rule:
  - (a) A building permit may be issued if the Director determines that the building is a necessary component of the resource base of the zone.
  - (b) A building permit may be issued for a nonresidential, noncommercial structure if it is necessary to convey utilities, radio transmission, etc. (e.g., radio towers or transmission or water lines).
  - (c) In zones other than IF-NRL, a building permit may be issued for a single-family dwelling or accessory building if it meets all of the following or comparable alternative fire protection requirements as determined by the Fire Marshal:
    - (i) Approved noncombustible roofing materials must be used.
    - (ii) Slash abatement within 200 feet of any portion of the exterior of the structure.



- (iii) A safety zone cleared of flammable vegetation 30 feet from any portion of the exterior of the structure on level ground and 100 feet downhill on sloped ground.
- (iv) Building sprinklers are installed per National Fire Protection Association 13D (NFPA 13D).
- (v) Exception: Buildings of 800 square feet or less that are:
  - (A) Unheated separate accessory structures to a full-time dwelling unit 20 feet from all other buildings; or
  - (B) A building used as a vacation cabin and not as a full-time residence.
- (vi) There is availability of 300 gallons of water on site, 400 feet of one-inch fire hose, and an internal combustion engine powered pump.
- (d) On saltwater islands, a building permit may be issued for a single-family dwelling or accessory building if it meets all of the following or comparable alternative fire protection requirements as determined by the Fire Marshal:
  - (i) Approved noncombustible roofing materials must be used.
  - (ii) Slash abatement within 200 feet of any portion of the exterior of the structure.
  - (iii) A safety zone cleared of flammable vegetation 30 feet from any portion of the exterior of the structure on level ground and 100 feet downhill on sloped ground.
  - (iv) There is availability of 300 gallons of water on site, 400 feet of one-inch fire hose, and an internal combustion engine powered pump, or an equivalent system as approved by the Skagit County Fire Marshal.
  - (v) Building sprinklers are installed per National Fire Protection Association 13D (NFPA 13D).
- (e) Exceptions from the sprinkling requirement in this Subsection may be provided if:
  - (i) The lot was a legal lot prior to the adoption of interim controls on June 11, 1990; and
  - (ii) The proposed single-family dwelling or accessory building does not exceed 1,500 square feet of heated structure.

#### **14.10.090 Uses not specifically identified**

- (1) Only a use listed within a given zone is allowed in that zone, except that a substantially similar use may be allowed per this section.
- (2) When a use is not specifically identified in this Division, the Director may authorize the use if the Director makes all of the following findings:
  - (a) The proposed use is similar to other uses listed in the zone in which the use is proposed to be located;
  - (b) The proposed use substantially meets the intent of and is consistent with the goals, objectives and policies of the Comprehensive Plan;
  - (c) The proposed use meets the stated purpose and general intent of the zone in which the use is proposed to be located;
  - (d) The proposed use would not adversely impact the public health, safety and general welfare of the residents of the County; and
  - (e) The proposed use shares characteristics common with and not of greater intensity, density or more environmental impact than those uses listed in the zone in which it is to be located.

#### 14.10.095 Extension of sewer prohibited into rural and resource areas.

Extension of sewer service is prohibited outside of urban growth areas, except in these limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban densities.

#### 14.10.100 Dimensional standards—measurement and application

- (1) The dimensional standards tables in the chapters in Division 1 specify numeric standards for dimensional parameters.
- (2) The symbols and abbreviations in the table have the meanings shown below, in addition to the meanings shown in SCC 14.04.030.

**Table 14.10.100-1 Key to the dimensional standards tables.**

Code	Explanation
ac	Acres or as rounded to a fraction of a section, e.g., 10 acres or 1/64th of a section; 40 acres or 1/16th of a section
ft	Feet
sf	Square feet
*	See the code section for the zone for detailed limits
-	No limit or inapplicable (when alone in a table cell)

- (3) Lot size.
  - (a) Lot size is measured as the total horizontal square footage area within property lines, excluding tidelands. Lot size may include the portion of the property that was dedicated for public or private street right(s)-of-way.
  - (b) The minimum lot size shown in the dimensional standards tables is the minimum for an ordinary land division; smaller lot sizes may be available with special land divisions (Chapter 14.76 SCC), a CaRD (Chapter 14.78 SCC), or a Binding Site Plan (Chapter 14.79 SCC).
  - (c) In certain zones, the Director may reduce the minimum lot size required for a lot for a public safety facility to accommodate its financing, ownership, and development.
    - (i) The lot size adjustment may be no greater than what is required to accommodate that particular safety facility and to reduce the impacts to Rural or Natural Resource Lands.
    - (ii) This exception applies in the following zones: Rural Village Residential; Rural Intermediate; Rural Reserve; Agriculture-Natural Resource Lands; Secondary Forest-Natural Resource Lands; Industrial Forest-Natural Resource Lands; and Rural Resource-Natural Resource Lands.
    - (iii) A qualifying public safety facility includes fire halls, emergency medical, law enforcement substations and training stations, flood control facilities and other similar facilities owned or operated by the County or a district or private service provider holding a franchise or long-term lease agreement with the County. Such facilities must be dedicated to providing emergency responses to the general public.
    - (iv) Once such a lot is created, it may not be converted to residential use unless the minimum lot size for the zone is amended and the lot sized for the public safety facility becomes a conforming lot size for residential development.
- (4) Setbacks.
  - (a) Setbacks are for both principal and accessory structures unless otherwise specified.
  - (b) Setbacks from NRL zones are required per SCC 14.28.060.
- (5) Maximum building height.

- (a) Determination of height.
  - (i) For most structures, height is determined by the vertical distance measured from the average elevation of the area occupied by the structure to the highest point of the structure or roof for flat roofs, and the average height of the roof on gable, shed, hip or other peaked roofs.
  - (ii) For an antenna, height is determined by the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna. If the support structure is on a sloped grade, then the average between the highest and lowest grades must be used in calculating the antenna height.
- (b) Exemption. The following structures are exempt from the maximum height limits:
  - (i) flagpoles;
  - (ii) ham radio antennas;
  - (iii) church steeples;
  - (iv) water towers;
  - (v) meteorological towers;
  - (vi) fire towers.
- (c) Properties within the Airport Environs Overlay (AEO) may have further limitations on height pursuant to SCC 14.14.100.
- (d) The height of wireless facilities is regulated in Chapter 14.59 SCC.
- (e) In the AVR and AEO zones, maximum height should be determined using the datum of mean sea level elevation, unless otherwise specified.

# Chapter 14.11 Rural Mixed-Use Zones and Uses

## 14.11.010 Applicability

This chapter applies to the following zones:

- (1) Rural Intermediate (RI);
- (2) Rural Reserve (RRv);
- (3) Rural Village Residential (RVR);
- (4) Rural Center (RC);
- (5) Rural Village Commercial (RVC);
- (6) Public Open Space of Regional/Statewide Importance (OSRSI).

## 14.11.020 Allowed Uses

- (1) The uses shown in the table below are allowed in the specified zones. For development standards for these uses, see the use section in Chapter 14.18 SCC.

**Table 14.11.020-1 Allowed Uses in the Rural Mixed-Use Zones**

	RI	RRv	RVR	RC	RVC	RVC Alger	OSRSI
<b>Residential Uses</b>							
Single-family residence	P	P	P				

	RI	RRv	RVR	RC	RVC	RVC Alger	OSRSI
Accessory Dwelling Unit	P	P	P				
Middle housing (2-4 units)			P				
Co-housing as part of a CaRD	P	P	P				
Loft living quarters				P	P	P	
Owner operator/caretaker quarters				AC	AC	AC	
Emergency housing					P		
Emergency shelter					P		
Manufactured or mobile home park			P				
Permanent supportive housing			P				
Residential accessory use	P	P	P				
Seasonal worker housing	HE	HE					
Transitional housing			P		P		
Temporary manufactured home	P	P	P				
<b>Commercial/Retail Uses</b>							
Animal clinic/hospital	HE	HE		HE	AD	AD	
Animal preserve		HE					HE
Asphalt/concrete batching or recycling, temporary		HE					
Bed and breakfast	AD	AD	AD	P			
Business/professional office					P		
Display gardens		HE					
Family day care provider	P	P	P	P	P	P	
Fish hatchery	HE	HE					
Group care facility	HE			HE			
Group care facility, adult	HE				AD	AD	
Home-Based Business 1	P	P	P				
Home-Based Business 2	AD	AD	AD				
Home-Based Business 3	HE	HE	HE				
Kennel, boarding	HE	HE	HE	AD	AD	AD	
Kennel, day-use	HE	AD	HE	P	P	P	
Kennel, limited	HE	HE	HE				
Laundromat						P	
Marijuana retail facility				AD	AD	AD	
Marina, ≤ 20 slips	HE				HE		HE
Marina, > 20 slips							
Mini-storage				P	P	P	
Mortuary	HE				HE		
Outpatient medical and health care service			HE	P	P	P	
Overnight lodging and related services for visitors to the rural area					P	P	
Restaurant				P	P	P	
Small retail and service business				P	P	P	
Small-scale production or manufacture					AD	AD	
Temporary events	AD	AD	AD	AD	AD		AD
<b>Community/Public Uses</b>							
Cemetery	HE	HE	HE				
Church	HE	HE		HE	HE	HE	

	RI	RRv	RVR	RC	RVC	RVC Alger	OSRSI
Community club/grange hall	HE	HE	HE	P	P	P	
Conference center							
Historic site open to the public	HE	HE	HE	P	P	P	P
Interpretive/information center							P
Museum							P
Pre-school	HE		HE	P	P	P	
<b>Natural Resource Uses</b>							
Agriculture	P	P					
Agricultural accessory use	P	P					
Agricultural processing facility		P					
Anaerobic digester		HE					
Fish hatchery	HE						
Forestry		P					P
Habitat enhancement/restoration project		P	P	P	P		
Manure lagoon		HE					
Natural resource support services					P	P	
Natural resources training/research facility		HE					
Nursey/greenhouse, retail	HE	X		P	AD	AD	
Nursery/greenhouse, wholesale		HE		P			
Seasonal roadside stand ≤ 300 sf	P	P	P		P	P	P
Seasonal roadside stand > 300 sf	HE	HE			AD	AD	
<b>Park/Recreational Uses</b>							
Campground, destination		AD					AD
Campground, developed		HE					AD
Campground, primitive		AD					AD
Golf course		HE					
Off-road vehicle use areas and trails		HE					
Outdoor outfitters enterprise		HE					
Outdoor recreational facility	HE	HE					AD
Outdoor recreational equipment rental and/or guide services							
Park, community	HE	HE	HE				HE
Park, recreation open space		AD					
Park, regional		AD	AD				
Park, specialized recreational area	AD	AD	AD	AD	AD	AD	
Racetrack, recreational		HE					
Shooting club, indoor					HE	HE	
Shooting club, outdoor							HE
Stables and riding club	HE	HE					AD
Trail	AD	AD	AD		AD	AD	P
Trailhead, primary and secondary	AD	AD	AD	AD	AD	AD	AD
<b>Storage Uses</b>							
Outdoor storage 1		AD					
Outdoor storage 2		AD					
Outdoor storage 3		HE					
Outdoor storage 4		HE					

	RI	RRv	RVR	RC	RVC	RVC Alger	OSRSI
<b>Transportation Uses</b>							
Aircraft landing field		HE					
Vehicle charging station				P	P	P	AC
Vehicle fueling station				P	P	P	
<b>Utility Uses</b>							
Impoundment							HE
Impoundment > 1-acre feet	HE	HE					
Recycling drop-box facility	AC	AC	AC	P	P		AC
Water diversion structure							AD

### 14.11.030 Dimensional Standards

**Table 14.11.030-1 Dimensional Standards in the Rural Mixed-Use Zones**

	RI	RRv	RVR	RC	RVC	RVC Alger	OSRSI
<b>Lot Dimensions</b>							
Minimum lot size (ac)	2.5	10	*	-	-	-	-
Minimum lot width (ft)	150	150	*	-	-	-	-
<b>Lot Coverage</b>							
Maximum lot coverage (%)	35	*	50	50	50	50	-
<b>Minimum Setbacks (principal use)</b>							
Front (on minor access and dead-end streets)	25	25	25	-	-	-	35
Front (on all other streets)	35	35	35	35	15	*	35
Interior Side	8	8	8	20	*	*	35
Rear	25	25	25	20	*	*	35
<b>Minimum Setbacks (accessory use)</b>							
Front	35	35	35	35	15	15	35
Interior Side (but see Note 1 for RI, RRv, RVR)	8	8	8	20	15	15	35
Rear (but see Note 1 for RI, RRv, RVR)	25	25	25	*	20	20	35
<b>Building Size Limits</b>							
Maximum height (ft)	40	40	40	40	40	40	40

**Notes:**

1. A 3-foot setback is permitted for nonresidential structures when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line. In the RI and RVR zones the nonresidential structure must be less than 1,000 square feet in size and 16 feet or less in height.

### 14.11.100 Rural Intermediate (RI)

- (1) Purpose. The purpose of the Rural Intermediate district is to provide and protect land for residential living in a rural atmosphere, taking priority over, but not precluding, limited nonresidential uses appropriate to the density and character of this designation. Long-term open space retention and critical area protection are encouraged. CaRDs are the preferred development pattern within this district.
- (2) Allowed uses. In addition to the uses in SCC 14.11.020, the following uses are allowed in this zone:
  - (a) Permitted uses. Reserved.

(b) Administrative Special Uses.

- (i) Institutional camps/retreats that existed prior to or on July 1, 1990, including cabins that may accommodate up to but not to exceed 250 beds and 10 RV sites, and common use facilities (e.g., dining, recreation) necessary to support the use, within the boundaries of the use that existed on July 1, 1990.

**14.11.200 Rural Reserve (RRv).**

- (1) Purpose. The purpose of the Rural Reserve zone is to allow low-density development and to preserve the open space character of those areas not designated as resource lands or as urban growth areas. Lands in this zone are transitional areas between resource lands and non-resource lands for those uses that require moderate acreage and provide residential and limited employment and service opportunities for rural residents. They establish long-term open spaces and critical area protection using CaRDs as the preferred residential development pattern.
- (2) Allowed uses. In addition to the uses in SCC 14.11.020, the following uses are allowed in this zone:
  - (a) Reserved.
- (3) Dimensional standards.
  - (a) Maximum lot coverage:
    - (i) Agricultural accessory or processing uses: 35%
    - (ii) All other uses: 20% or 5,000 sf, whichever is greater, not to exceed 25,000 sf.

**14.11.300 Rural Village Residential (RVR)**

- (1) Purpose. The purpose of the Rural Village Residential district is to preserve the residential character of those portions of Rural Villages designated for residential use, while allowing for limited nonresidential uses appropriate to the village through the special use permit process. Allowed densities within this district are based on the availability of public water and on environmental considerations.
- (2) Dimensional Standards.
  - (a) Minimum lot size.
    - (i) Where public water service is provided, the minimum lot size is 1 acre.
    - (ii) Where public water service is not provided, the minimum lot size is 2.5 acres.
  - (b) Minimum lot width.
    - (i) Where public water service is provided, the minimum lot width is 75 ft.
    - (ii) Where public water service is not provided, the minimum lot size is 150 ft.
  - (c) Maximum density.
    - (i) Duplexes, triplexes, fourplexes, and manufactured or mobile home parks are limited to four dwelling units per acre.
- (3) Big Lake Rural Village Overlook Golf Course Property. The property that is commonly referred to as the Overlook Golf Course may only be developed at the following densities:
  - (a) At 1 unit per 5 acres, or at a lower density, when the following condition is met:
    - (i) The development is served by public water.
  - (b) At a density between 1 unit per 5 acres and 1 unit per 1 acre when all of the following conditions are met:
    - (i) the development is served by public water;

- (ii) the development is served by a public sewer system;
  - (iii) the development is permitted as a long CaRD subdivision; and
  - (iv) all stormwater facilities and temporary erosion/sedimentation control systems are designed to ensure no pollution to or degradation of Big Lake.
- (c) The development standards described in Subsection (3)(b) do not apply if the property becomes part of the Mount Vernon urban growth area.

#### **14.11.400 Rural Center (RC)**

- (1) Purpose. The Rural Center zone recognizes centers or clusters of small retail and service businesses that serve a limited area and rural population outside of established urban growth areas and Rural Villages as designated by the Comprehensive Plan. Rural Centers are small-scale commercial clusters or individual uses are smaller in size and intensity than Rural Villages, intended to serve, to a limited extent, the traveling public at existing crossroads.
- (2) Dimensional standards.
- (a) Maximum size limit.
    - (i) Retail and service uses, including mini-storage, may not exceed 3,000 square feet of gross floor area per building, with a maximum of two buildings per parcel. Buildings may contain more than one business so long as the building falls within the above square footage limits.
    - (ii) Fire stations which may not exceed 8,000 square feet.
    - (iii) Storage or other noncommercial uses that are accessory to the permitted use and do not exceed 50 percent of the square footage of the permitted use up may not exceed a total of 1,500 square feet per parcel.
  - (b) Setbacks.
    - (i) Rear: If adjacent to an RVR, RI zone, 20 ft, or the height of the back wall of the building, whichever is greater. Otherwise, the setback is equal to the height of the back wall of the building.

#### **14.11.500 Rural Village Commercial (RVC).**

- (1) Purpose. The Rural Village Commercial zones are located within each Rural Village identified in the Comprehensive Plan. This zone provides an activity center where rural residents and others can gather, work, shop, entertain and reside. This zone is intended to provide for a range of commercial uses and services to meet the everyday needs of rural residents and natural resource industries, to provide employment opportunities for residents of the rural area, and to provide goods, services, and lodging for travelers and tourists to the area. Requirements specific to individual community plans may be incorporated in this Section.
- (2) “RVC-Alger” in the use and dimensional standards tables indicates that portion of the RVC zone in Alger.
- (3) Allowed uses. In addition to the uses in SCC 14.11.020, the following uses are allowed in this zone:
- (a) Permitted uses.
    - (i) In the RVC zone in Alger, the following uses are allowed:
      - (A) Continuation of existing residential uses.
- (4) Dimensional Standards.
- (a) Setbacks



- (i) Front setbacks in the Rural Village Commercial zone in Alger adjacent to Old Highway 99 and north of Alger Cain Lake Road are 5 feet for those RVC properties where the right-of-way is approximately 100 feet wide, provided there is an approved agreement for frontage improvements on Old Highway 99 consistent with the Village Concept Plan in the Alger Community Plan. The agreement must be signed by Skagit County and must include provisions for, at a minimum: Landscaping, stormwater management, pathways, driveways, and maintenance.
- (ii) Side and rear: None on interior lots adjacent to other commercial designations. Adjacent to other land use designations, the side setback is 8 feet and the rear setback is 20 feet.

(b) Maximum Size Limits.

- (i) Except for overnight lodging facilities and fire stations, total gross floor area of primary uses may not exceed 6,000 square feet per parcel.
- (ii) Fire stations may not exceed 8,000 square feet.
- (iii) Overnight lodging facilities may not exceed 12,000 square feet of gross floor area per parcel including any related commercial services.
- (iv) Storage or other noncommercial uses that are accessory to the permitted use, including owner operator/caretaker quarters, up to a total of 1,500 square feet per parcel, is also permitted.

(5) Pedestrian Circulation.

- (a) Pedestrian walkways must be provided between parking areas and the uses served by that parking.
- (b) Pedestrian facilities must be also provided as specified by an applicable rural village plan.
- (c) In the Rural Village Commercial zone in Alger, pedestrian and bike pathways at least 5 feet wide are required along the street frontage and between parking areas and the uses they serve.
  - (i) Pathways may be surfaced with crushed rock, except for those portions covered by handicapped accessibility requirements.
  - (ii) Pathways must include lighting that is full cut-off shielded and directed so that light does not migrate off site. Lighting must be pedestrian scale, with masts no higher than 12 feet and directed to sidewalks, paths, and parking areas.

(6) Building and Site Design. In the Rural Village Commercial zone in Alger:

- (a) New structures must be compatible with the design of one or more of the existing historic structures, including the old Grange Hall, the Alger Improvement Association Community Hall, and the Alger Bar and Grill.
- (b) Parking areas must be located to the side or rear of buildings.

**14.11.600 Public Open Space of Regional/Statewide Importance (OSRSI)**

- (1) Purpose. The purpose of the Public Open Space zone is to provide for lands in public ownership that are dedicated or reserved for public purposes or enjoyment for recreation, scenic amenities, or for the protection of environmentally sensitive areas.
- (2) Included areas. This zone encompasses public open space having statewide and regional importance, including, for example:
  - (a) Deception Pass, Bayview, Larabee, Rasar, and Rockport state parks;
  - (b) County parks including Sharpe Park and Montgomery-Duban Headlands, Howard Miller Steelhead Park, and Pressentin Park;

- (c) Publicly owned portions of Burrows Island, Cypress Island, Hope Island, Huckleberry Island, Saddlebag Island, and Skagit Island;
  - (d) Glacier Peak Wilderness, Noisy Diobsud Wilderness, Mount Baker-Snoqualmie National Forest, North Cascades National Park, and the Ross Lake National Recreation Area;
  - (e) PUD No. 1 Judy Reservoir;
  - (f) portions of the Northern State Recreation Area;
  - (g) Seattle City Light wildlife mitigation lands and Endangered Species Act lands;
  - (h) Washington Department of Natural Resources natural resource conservation areas and natural area preserves and Skagit Wildlife Refuge are included in this district.
- (3) Allowed Uses. In addition to the uses in SCC 14.11.020, the following uses are allowed in this zone:
- (a) Permitted uses.
    - (i) Parks that showcase significant historic, archaeological, scientific, cultural and/or unique natural features, unusual landscape features such as cliffs and bluffs or natural processes on wetlands and tidal actions.
    - (ii) Public open space areas of regional and Statewide importance including County, State and Federal parks, recreational areas, and wildlife management areas, including those that provide linkages between neighborhood and community parks.
    - (iii) Educational enterprises designed to offer special access to natural resource-based and recreational opportunities on lakes, creeks, streams, river corridors, shorelines, and areas with prominent views.
  - (b) Administrative special uses.
    - (i) In remote areas only, such as east of Concrete and on saltwater islands without ferry service, employee housing sufficient to operate the OSRSI operation.
- (4) Use limitations.
- (a) There may be federal or state regulations or limitations which may further limit the use of some facilities within the zone, and Skagit County may not have jurisdiction over some state or federal facilities within the zone.

## Chapter 14.12 Rural Commercial/Industrial Zones and Uses

### 14.12.010 Applicability

- (1) This chapter applies to the following zones:
- (a) Rural Business (RB)
  - (b) Rural Freeway Service (RFS)
  - (c) Small-Scale Business (SSB)
  - (d) Natural Resource Industrial (NRI)
  - (e) Rural Marine Industrial (RMI)
  - (f) Small-Scale Recreation and Tourism (SRT)

### 14.12.020 Allowed Uses

- (1) The uses shown in the table below are allowed in the specified zones. For development standards for these uses, see the use section in Chapter 14.18 SCC.

**Table 14.12.020-1 Allowed Uses in the Rural Commercial/Industrial Zones**

	RB	RFS	SSB	NRI	RMI	SRT
<b>Residential Uses</b>						
Owner operator/caretaker quarters	AC	AC	AC	AC	AC	AC
<b>Commercial/Retail Uses</b>						
Animal clinic/hospital				P		
Animal preserve						HE
Asphalt/concrete batching or recycling, permanent				HE		
Asphalt/concrete batching or recycling, temporary				HE		
Bed and breakfast						P
Billboard		AD		HE		
Business/professional office			P	P		AC
Car wash		P				
Commercial boathouse						P
Display gardens						P
Hotel/motel		HE				
Institutional camp/retreat						P
Kennel, boarding		AD	HE			AD
Kennel, day-use		P	AD			P
Kennel, limited			HE			
Marijuana retail facility		P				
Marina, ≤ 20 or fewer slips						P
Marina, > 20 slips						HE
Restaurant		P	AC			
Restaurant, drive-in		P				
Retail food market and convenience store, including farmers market		P				
Small retail and service business			P			
Small-scale production or manufacture			P			
Temporary events	AD	AD	AD			AD
Vehicle repair garage		P				
<b>Community/Public Uses</b>						
Community club/grange hall						P
Conference center						P
Historic site open to the public		P	P	P	P	P
Interpretive/information center		P				
Museum		P				
<b>Natural Resource Uses</b>						
Agricultural processing facility				P		
Agricultural slaughtering facility				P		
Anaerobic digester				AD		
Habitat enhancement/restoration project	P	P	P	P	P	P
Natural resource support services				P		
Nursey/greenhouse, retail			AD	AC		AD
Nursery/greenhouse, wholesale			P	P		AD
Stockyard ≤ 40 acres				P		
Stockyard > 40 acres				HE		

	RB	RFS	SSB	NRI	RMI	SRT
<b>Park/Recreational Uses</b>						
Campground, destination						P
Campground, developed		AD				P
Campground, primitive		AD				P
Off-road vehicle use areas and trails						P
Outdoor outfitters enterprise						P
Outdoor recreational facility						P
Outdoor recreational equipment rental and/or guide services						P
Park, community						P
Park, specialized recreational area						AD
Racetrack, recreational						HE
Shooting club, indoor						HE
Shooting club, outdoor						HE
Stables and riding club						P
Trail		AD	AD	AD		
Trailhead, primary and secondary		AD	AD	AD		P
<b>Storage Uses</b>						
Commercial equipment storage		AD				
Hazardous waste storage				AC		
Outdoor storage 1				AC		
Outdoor storage 2				AC		
Outdoor storage 3				AD		
Outdoor storage 4				AD		
Petroleum products and gas storage—bulk.				HE		
Vehicle storage facility		HE				
<b>Transportation Uses</b>						
Park and ride		P				
Transit station		P				
Vehicle charging station	P	P	P	P	P	P
Vehicle fueling station		P				
<b>Utility Uses</b>						
Impoundment > 1-acre feet						HE
Recycling drop-box facility	P	P	P	P	AC	AC

## 14.12.030 Dimensional Standards

**Table 14.12.030-1 Dimensional Standards in the Rural Commercial/Industrial Zones**

	RB	RFS	SSB	NRI	RMI	SRT
<b>Lot Dimensions</b>						
Minimum lot size (ac)	-	-	-	-	-	-
Minimum lot width (ft)	-	-	-	-	-	-
<b>Lot Coverage</b>						
Maximum lot coverage (%)	50	25	25	-	*	*
<b>Minimum Setbacks (principal use)</b>						
Front	35	35	35	50	50	35
Interior Side	35	35	*	50	50	35

	<b>RB</b>	<b>RFS</b>	<b>SSB</b>	<b>NRI</b>	<b>RMI</b>	<b>SRT</b>
Rear	35	35	*	50	50	35
<b>Building Size Limits</b>						
Maximum height (ft)	40	40	50	50	50	50

#### **14.12.100 Rural Business (RB)**

- (1) Purpose. The Rural Business zone is intended to provide reasonable expansion and change of use opportunities for existing isolated nonresidential uses in the rural area that provide job opportunities for rural residents and that are not consistent with the other commercial and industrial Comprehensive Plan designations and zones.
- (2) Allowed uses. In addition to the uses in SCC 14.12.020, the following uses are allowed in this zone:
  - (a) Continuation of an existing commercial use.
  - (b) Subject to an administrative decision, a change of use from the existing use to a use which is substantially similar to the existing use in terms of the type of commercial activity performed. A substantially similar use must continue the same basic operational characteristics as the existing use, and must be of no greater intensity, density, or generate no greater environmental or traffic impact than the existing use.
  - (c) A use designated Rural Business may be expanded but any expansion is limited to a maximum of 50 percent of the gross floor area existing as of June 1, 1997, or 1,500 square feet, whichever is less. The maximum floor area of allowed expansion must be determined based on the gross floor area dedicated to the Rural Business use as of June 1, 1997. The expansion, as well as all associated development including but not limited to parking areas, driveways, septic systems, wells, and landscaping, must occur on the same lot upon which the existing use is located.
  - (d) Outdoor working areas may be expanded by a maximum of 50 percent but any expansion must occur on the same lot as the existing outdoor working area. The area of allowed expansion must be determined based on the outdoor working area dedicated to the Rural Business use as of June 1, 1997.
- (3) Hearing Examiner Special Uses.
  - (a) With an approved Hearing Examiner special use permit, a use designated Rural Business which was established prior to July 1, 1990, may be expanded beyond the 1,500-square-foot limit established in Subsection (2)(c) of this Section. For agricultural support services, the expansion is not limited. For all other uses, the expansion may not exceed 50 percent of the gross floor area dedicated to the Rural Business use as of July 1, 1990, up to a maximum of 5,000 square feet; and (i) through (vi) below must be met. The applicant has the burden of proof to demonstrate that the use was established, and to what extent, prior to July 1, 1990. An expansion of 50 percent is not guaranteed, but instead is a maximum allowance; provided, that in no instance may an expansion greater than 5,000 square feet of gross floor area be allowed. Compliance with the criteria below may dictate a smaller maximum expansion. Expansions greater than 1,500 square feet must not be allowed if the following criteria cannot be met:
    - (i) The expansion, as well as all associated development including but not limited to parking areas, driveways, septic systems, wells, and landscaping, will occur on the same lot upon which the existing use is located;
    - (ii) The expansion is visually compatible with the surrounding neighborhood and rural area;
    - (iii) Detrimental impacts to adjacent properties or to existing easement rights on the property will not be increased or intensified;
    - (iv) The expansion does not result in a formerly small operation dominating the area;

- (v) The expansion will not constitute new urban growth in the rural area, except that uses may utilize urban services that are historically already available to the site; and
  - (vi) Public services and facilities are limited to those necessary to serve the isolated nonresidential use and are provided in a manner that does not permit low density sprawl.
- (b) A Hearing Examiner special use permit is required to change from one use to another use when Subsection (2)(b) of this Section does not apply. The Hearing Examiner may not grant a special use permit if he/she determines that the change of use would:
- (i) Result in a substantially increased impact on any 1 of the following criteria; or
  - (ii) Result in smaller impacts across a number of criteria that combined, result in a substantially increased overall impact. Information in parentheses defines “substantial impact” for that particular measure.
    - (A) Traffic generation (more than 10% increase in vehicle trips per day equals substantial increase).
    - (B) Parking requirements (the need to expand existing parking facilities or the likelihood that parking would flow over to adjacent roads or properties equals substantial increase).
    - (C) Hours of operation (10% increase in hours of operation, or any measurable increase in evening and weekend hours equals substantial increase).
    - (D) Visitors/customers visiting the site (10% increase in visitors to the site equals substantial increase).
    - (E) Need for expanded septic, sewer, water, power, or other services.
    - (F) Need for increased infrastructure, such as road widening or access improvements.
    - (G) Noise, light, glare and related impacts from business operations on adjacent properties.
    - (H) Detrimental impacts on productive use of surrounding natural resource lands.
    - (I) Detrimental impacts to surrounding critical areas.
    - (J) Change to the visual character of the structure or property that would significantly and negatively affect the visual character of the surrounding rural area.
    - (K) Be inconsistent with an applicable community development plan, if one has been adopted.
  - (iii) Any use requiring the installation or extension of urban services, including sewer and stormwater, would be considered an urban use rather than a rural use and would be disqualified.
  - (iv) A new use may take advantage of the one-time expansion opportunity provided to existing RB uses, provided it satisfies the expansion criteria in the Comprehensive Plan and development regulations. However, a change to a new use does not create any new expansion opportunities or rights.

#### **14.12.200 Rural Freeway Service (RFS)**

- (1) Purpose. The purpose of the Rural Freeway Services district is to provide for small scale commercial uses at certain Interstate 5 freeway interchanges outside of urban growth areas as designated by the Comprehensive Plan to serve local populations and the traveling public with necessary goods and services.
- (2) Dimensional standards.
  - (a) Size limitations.

- (i) A building may not exceed 6,000 square feet of gross floor area except as provided in subparagraph (iii), with a maximum of one building per parcel. A building may contain more than one business.
- (ii) Retail may not exceed 4,500 square feet and 1,500 square feet of storage.
- (iii) Storage or other noncommercial uses that are accessory to a permitted use up to a total of 1,500 square feet per parcel is permitted.

#### **14.12.300 Small-Scale Business (SSB)**

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

**(2) Dimensional Standards.**

**(a) Maximum Size Limits.**

- (i) Permitted uses may not exceed 10,000 square feet of gross floor area with a maximum of one building per parcel. Parcels may not be divided through a binding site plan to create more than one parcel or building per small scale business designation.

**(b) Setbacks.**

- (i) Interior Side: None on interior lots; 35 feet on corner lots.
- (ii) Rear: 35 feet adjacent to RVR, RI or Agricultural zones.

**(3) General Requirements.** All proposed SSB uses must comply with the following:

- (a) All structures and outside activities must be located or screened from adjacent properties to avoid disturbance through glare, shading, noise, dirt or other nuisances or hazards.
- (b) No petroleum pumps or above ground petroleum storage may be closer than 30 feet to any street right-of-way.
- (c) All development proposals within the SSB district must include a plan, acceptable to the Department, that diagrams and explains how open areas will be maintained during and after construction to avoid sewage, drainage, and dust nuisances to adjacent properties, uses, and critical areas. The plan must also demonstrate how existing easement rights or other property ownership interests in the property will be protected.
- (d) All open portions of any lot must have adequate grading and drainage consistent with the requirements of Chapter 14.32 SCC.
- (e) Impacts of the use on the off-site road system must be mitigated, particularly with regard to the impacts of tracks on substandard roads between the site and the arterial system.

**(4) Special Provisions.** Uses may not have more than 20 full-time equivalent (FTE) on-site employees. This limitation does not apply to off-site employees.

- (b) For the purposes of this Subsection, “FTE” on-site employee means an employee that visits the site more than 2 times per week, including solely for purposes of vehicle transfer and must be calculated over the course of a full year, based on a full-time equivalent of 40 hours per week, 50 weeks per year.
- (c) Seasonal employee full-time equivalents is determined by multiplying the number of seasonal employees times the total hours worked per employee per season, divided by 2,000 hours (40 hours times 50 weeks).

#### 14.12.400 Natural Resource Industrial (NRI)

- (1) **Purpose.** Natural resource-related industrial uses that are commonly accepted in the rural area which facilitate the production of agricultural, forest, and aquatic products are permissible in the NRI zoning classification. This zoning designation allows related processing facilities, limited direct resource sales and limited natural resource support services that support local natural resource activities and which are not detrimental to the natural resource base in the long term.
- (2) Allowed uses. In addition to the uses in SCC 14.12.020, the following uses are allowed in this zone:
- (a) Permitted uses.
    - (i) Uses related to agriculture, including, but not limited to:
      - (A) Agricultural implement sales;
      - (B) Commercial composting;
      - (C) Fabrication of farm related items;
      - (D) Fertilizer manufacturing;
      - (E) Irrigation systems sales, repair and storage
      - (F) Livestock auction facility
      - (G) Storage and distribution of animal feeds, fertilizers, pesticides and seed.
    - (ii) Uses related to forestry including, but not limited to:
      - (A) Fabrication of forestry related items;
      - (B) Forest industry storage and maintenance facility;
      - (C) Forestry management services and forest industry support services;
      - (D) Log scaling station;
      - (E) Manufacturing wood containers and products;
      - (F) Operation of sawmills, chippers, shake and shingle mills, scaling stations, log dumps and sorting areas, forest industry equipment maintenance, buildings and storage yards, and forest industry residue dumping areas;
      - (G) Prefabricated wood building and components; and
      - (H) Wood waste recycling.
    - (iii) Uses related to aquatic resources including, but not limited to, the following:
      - (A) Fabrication, maintenance, and repair of equipment, vessels, and structures associated with aquatic natural resource industries;
      - (B) Management and propagation of fish and wildlife;
      - (C) Seafood processing and accessory on-site sales;
      - (D) Shellfish processing and accessory on-site sales;
      - (E) Treatment and bottling of water for commercial sales; and
      - (F) Upland fish farm.
  - (b) Accessory uses, only to serve the on-site primary permitted natural resource industrial use:
    - (i) Explosives storage for use on NRL lands;
    - (ii) Industrial vehicle storage facility for vehicles which only serve natural resource industries;



- (iii) Metalworking shop for the maintenance and repair of equipment used by the primary permitted natural resource industrial use;
- (iv) Offices in conjunction with the permitted use;
- (v) Retail sales of finished timber products.

**(3) Dimensional standards.**

- (a) Special Setbacks. Explosive storage, hazardous waste storage and treatment facilities, and petroleum products and gas bulk storage must be set back a minimum of 300 feet from the property boundary, and edges of existing and planned public rights-of-way.
- (b) Maximum Size Limits.
  - (i) The maximum size for a contiguous NRI zone is 40 acres unless adjacent to a UGA.
  - (ii) The maximum gross floor area for buildings in an NRI zone is:
    - (A) 15% of total lot area for an NRI zone adjacent to a UGA, RVR, RVC, or RC zone;
    - (B) 10% of total lot area if not adjacent to a UGA, RVR, RVC, or RC zone;
    - (C) 70% of total lot area for greenhouses, regardless of zone adjacency.

**(4) Special Provisions.**

- (a) All sides of a proposed NRI use adjacent to a Rural Village must comply with the following:
  - (i) All structures and outside activities must be located or screened from adjacent properties to avoid disturbance through glare, shading, noise, dirt or other nuisances or hazards;
  - (ii) No petroleum pumps or above ground petroleum storage may be closer than 30 feet from any street right-of-way; and
  - (iii) All development proposals within the Natural Resource Industrial district must include a plan, acceptable to the Department, that diagrams and explains how open areas will be maintained during and after construction to avoid sewage, drainage and dust nuisances to adjacent properties, uses, and critical areas. The plan must also demonstrate how existing easement rights or other property ownership interests in the property are protected.
- (b) All open portions of any lot must have adequate grading and drainage consistent with the requirements of Chapter 14.32 SCC.
- (c) Impacts of the use on the off-site road system must be mitigated, particularly with regard to the impacts of trucks on substandard roads between the site and the arterial system.

**14.12.500 Rural Marine Industrial (RMI)**

- (1) Purpose. The Rural Marine Industrial zone is intended to recognize existing rural marine industrial facilities and to permit expansion of existing rural water and shoreline dependent or related marine industrial activities in Skagit County, and to provide limited expansion opportunities and limited changes of use.
- (2) Allowed uses. In addition to the uses in SCC 14.12.020, the following uses are allowed in this zone:
  - (a) Permitted Uses.
    - (i) Marina, only on properties on which a marina existed as of April 1, 2002, or was vested by permit application as of April 1, 2002, permitted to continue, intensify and expand on such properties as conforming uses.
    - (ii) Shore/water transfer of marine-related and/or raw natural resource materials.
  - (b) Accessory Uses.

- (i) Moorage of marine vessels and structures associated with a permitted use.
- (ii) On parcels without a marina use permitted under paragraph (a) or (d) of this subsection, maintenance, repair, storage, testing, and outfitting of marine-related and water-dependent products, equipment, vessels and structures used in, directly relating to, or supporting permitted uses. Fabrication and construction of structures and vessels may be incidental to such activities.
- (iii) On parcels with a marina use permitted under paragraph (a) or (d) of this subsection:
  - (A) Fabrication, construction, maintenance, repair, storage, testing, and outfitting of marine-related and water-dependent products, including but not limited to marine vessels, equipment, hardware and associated structures.
  - (B) Restaurants.
  - (C) Retail sales and rental of marine-related and water-dependent products consisting of, but not limited to, marine vessels, marine equipment and marine hardware.
- (c) Administrative Special Uses.
  - (i) Parking, new or expanded parking areas within the required 50-foot setback. Appropriate conditions of approval to fully mitigate any increased impact to neighboring properties from parking in the 50-foot setback must be included.
- (d) Hearing Examiner Uses.
  - (i) Marinas other than those permitted outright under paragraph (a) of this subsection on properties designated RMI before April 1, 2002.
  - (ii) Marinas with a total of 15 or fewer slips for either wet or dry storage as an accessory use.
- (3) RMI Parcel. If multiple adjacent parcels have common ownership at the time they are all first zoned RMI, then these multiple parcels must be considered in their entirety as a single RMI parcel. If multiple adjacent parcels are under separate ownership at the time they are all first zoned RMI, then each parcel under separate ownership must be considered a separate RMI parcel. If an RMI parcel is subdivided or a portion is sold to a different owner, the dimensional standards applied to the parcel before subdivision or sale stay in effect on the parent parcel except as provided for in Subsection (5)(b) of this Section. Changes to an RMI parcel resulting from a rezone are as noted in Subsection (4) of this Section.
- (4) Rezones.
  - (a) New areas zoned RMI must be on lands contiguous to areas with existing RMI zoning. If parcels are rezoned to RMI after July 14, 2000, and those parcels are in common ownership, then the new RMI parcels must be considered in their entirety as a single RMI parcel. If parcels are rezoned to RMI after July 14, 2000, and those new RMI parcels are in separate ownership, then each parcel under separate ownership must be considered a separate RMI parcel. In either case, the status of adjacent pre-existing RMI zoning as 1 or more RMI parcels is unaffected.
  - (b) If a parcel zoned RMI that was originally 30 acres or less in size is decreased in size by a rezone, then the upland RMI parcel area acreage stated in Subsection (5)(a)(ii) of this Section must be the remaining upland RMI parcel area.
  - (c) If a parcel that was originally over 30 acres in size is decreased in size by a rezone, then the limits of Subsection (5)(a)(ii) of this Section apply to the remaining upland RMI parcel area. If the remaining area is 30 acres or less in size and is both all outside the geographical jurisdiction of the SMMP and more than 200 feet landward of the ordinary high water mark, then the limits of Subsection (6)(e) of this Section otherwise apply.
  - (d) Notwithstanding the foregoing, if an RMI parcel on which a marina permitted under Subsection (2)(a)(i) of this Section is located is decreased in size by a rezone, the lot coverage and impervious

surface coverage limitations in Subsection (6)(d)(i) of this Section must be decreased proportionally.

(5) Dimensional standards.

(a) Parcels 30 Acres or Less in Size.

- (i) On parcels with a marina use permitted under Subsection (2)(a)(i) of this Section, maximum lot coverage and impervious surface is limited to the following, based on the acreage of the contiguous RMI zoned area in the parcel:

RMI Zoned Area	Maximum Lot Coverage	Maximum Impervious Surface
Over 15 acres	115,000 sf	345,000 sf

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

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

- (b) Parcels Over 30 Acres in Size. Maximum lot coverage and impervious surface is limited to the following, and must be calculated based solely on the upland acreage that is located outside the area regulated by the SMP. If an RMI parcel over 30 acres in size is decreased in size through subdivision or sale of a portion to a different owner, then the limits of Subsection (5)(a)(ii) of this Section apply to any parcel that is located entirely outside of the area regulated by the SMP and the limits of this paragraph otherwise apply.

RMI Zoned Area, before Exclusion	Maximum Lot Coverage, after Exclusions	Maximum Impervious Surface, after Exclusions
More than 30 ac	5,000 sf per acre	15,000 sf per acre

(6) Special Provisions.

(a) All uses or expansions of use must comply with the following:

- (i) All structures and outside activities must be located or screened from adjacent properties to avoid disturbance through glare, shading, noise, dirt or other nuisances or hazards consistent with SCC 14.16.840, Performance standards; and
- (ii) No petroleum pumps or above ground petroleum storage may be closer than 15 feet from any street right-of-way or 100 feet from parcels of different ownership; except, that on parcels on which marinas are permitted under Subsection (2)(a)(i) of this Section, these setbacks do not apply and location of petroleum pumps and storage are governed by the building and fire codes; and
- (iii) All development proposals within this designation must include a plan, which must be reviewed and approved for compliance with this section, and must include a diagram and explanation on how the open areas are to be maintained during and after construction to avoid sewage, drainage and dust nuisances to adjacent properties, uses, and critical areas.

The plan must also demonstrate how existing easement rights or other property ownership interests in the property will be protected.

- (b) Impacts to the off-site road system must be mitigated, particularly with regard to the impacts of trucks on substandard roads between the parcel and the arterial system.
- (c) On parcels regulated by Subsection (5)(b) of this Section, any new buildings or new outdoor storage areas must be located outside of the area regulated by the SMP.

#### **14.12.600 Small-Scale Recreation and Tourism (SRT)**

**(1) Purpose.** This zone provides for small-scale recreational and tourist uses that create opportunities to diversify the economy of rural Skagit County by utilizing, in an environmentally sensitive manner, the County's abundant recreational opportunities and scenic and natural amenities.

**(2) Allowed uses.** In addition to the uses in SCC 14.12.020, the following uses are allowed in this zone:

- (a) Permitted uses.
  - (i) Cabins and other forms of overnight lodging that are rural in scale. Lodging operators may not allow any person to occupy overnight lodging on the premises for more than four months in any year.
  - (ii) Commercial facilities, such as restaurants and small retail and service businesses, if they serve the primary recreational or tourist use.
  - (iii) Overnight lodging and related services for visitors to the rural area.
- (b) Administrative Special Uses.
  - (i) Expansion of existing major public uses up to 3,000 square feet.
  - (ii) In remote areas only, such as east of Concrete and on saltwater islands without ferry service, employee housing sufficient to operate the SRT operation so long as such housing is not for permanent residential use and is limited in size and quantity to only that necessary to house active, existing employees. Any employee housing must be incidental in scale to the primary SRT use.
- (c) Prohibited uses.
  - (i) New residential development, which includes the subdivision or sale of land for year-round or second-home residential housing that is owner-occupied or rented.

**(3) Dimensional standards.**

- (a) Minimum Setbacks.
  - (i) Front: 35 ft except 55 ft where parking is located in the front or sides of the structure.
- (b) Maximum Size Limits. The entire SRT area, whose boundaries are identified on a single Comprehensive Plan Map amendment, must be considered as one unit for the purpose of this calculation and is subject to the limits outlined in the following subsections as a whole.
  - (i) The maximum number of acres that may be devoted to the built environment is 20 acres. Additional land may be associated with an SRT development provided it remains substantially undeveloped, primarily left in a natural state, and is used for passive recreation purposes only.
  - (ii) The maximum number of units of overnight lodging is 35 units of built lodging (meaning fixed or mobile structures). This limit does not apply to the number of camping sites or recreational vehicle hook-ups within a campground or resort.
  - (iii) Retail and service uses may not exceed 3,000 square feet of gross building area per establishment and is limited to 2 establishments. Storage or other uses that are accessory to

the permitted use and do not exceed 50% of the square footage of the permitted use or a total of 1,500 square feet are also permitted.

- (c) Maximum Lot Coverage is 0.35 minus the acres of SRT divided by 100, except that a maximum coverage of 130,680 square feet is allowed. The entire SRT area, whose boundaries are identified on a single Comprehensive Plan Map amendment, must be considered as one unit and must be subject to the above stated limit as a whole.

## Chapter 14.13 Natural Resource Zones and Uses

### 14.13.010 Applicability

- (1) This chapter applies to the following zones:
- (a) Agricultural—Natural Resource Lands (Ag-NRL)
  - (b) Industrial Forest—Natural Resource Lands (IF-NRL)
  - (c) Secondary Forest—Natural Resource Lands (SF-NRL)
  - (d) Rural Resource—Natural Resource Lands (RRc-NRL)

### 14.13.020 Allowed Uses

- (1) The uses shown in the table below are allowed in the zones to which this chapter applies. For development standards for these uses, see the use section in Chapter 14.18 SCC.

**Table 14.13.020-1 Allowed Uses in the Natural Resource Zones**

	Ag-NRL	IF-NRL	SF-NRL	RRc-NRL
<b>Residential Uses</b>				
Single-family residence	AC	P	P	P
Accessory Dwelling Unit	P	P	P	P
Residential accessory use	P	P	P	P
Temporary manufactured home	P		P	P
Co-housing, as part of a CaRD	P	P	P	HE
Seasonal worker housing			HE	HE
<b>Commercial Uses</b>				
Animal clinic/hospital			AD	AD
Asphalt/concrete batching or recycling, temporary	HE		HE	HE
Family day care provider	P		P	P
Bed and breakfast	AD			AD
Historic sites open to the public	P	P	P	P
Home-Based Business 1	P	P	P	P
Home-Based Business 2,	AD	AD	AD	AD
Home-Based Business 3		HE	HE	HE
Kennel, boarding				HE
Kennel, limited	HE	HE	HE	AD
Marijuana production/processing facility	AD			
Marina, primitive, with ≤ 3 slips	HE			
Marina, primitive, with ≤ 10 slips with no conversion of resource land		HE	HE	HE
Temporary events	AD	AD	AD	AD

	Ag-NRL	IF-NRL	SF-NRL	RRc-NRL
<b>Natural Resource Uses</b>				
Agriculture	P			P
Agricultural accessory use	P			P
Agricultural processing facility	P			P
Agricultural slaughtering facilities.	AD			AD
Anaerobic digester, when accessory to an agricultural use	P			HE
Anaerobic digester, when not accessory to an agricultural use	HE			HE
Aquaculture				P
Concentrated animal feeding operation	HE			HE
Farm-based business	P			P
Forestry	P	P	P	P
Forestry-based business		HE	HE	HE
Habitat enhancement/restoration project	HE	P	P	P
Manure lagoon	P			HE
Natural resources training/research facility	HE	HE	HE	HE
Nursey/greenhouse, retail			AD	AD
Nursery/greenhouse, wholesale	P		AD	AD
Seasonal roadside stand ≤ 300 sf	P			P
Seasonal roadside stand > 300 sf and ≤ 2,000 sf	AD		AD	AD
Seasonal roadside stand > 2,000 sf and ≤ 5,000 sf	HE		AD	AD
<b>Park/Recreational Uses</b>				
Campground, primitive		P	P	P
Off-road vehicle use areas and trails		HE	HE	
Outdoor outfitters enterprises	HE	HE	HE	HE
Shooting club (outdoor)	HE			
Park, regional		AD		
Park, recreation open space			AD	
Stables and riding club				AD
Shooting club, outdoor		HE	HE	HE
Trail, nonmotorized	AD	P	AD	AD
Trail, other than nonmotorized	AD	AD	AD	AD
Trailhead, primary and secondary	AD	AD	AD	AD
<b>Transportation Uses</b>				
Aircraft landing field	HE	HE	HE	HE
Vehicle charging station		P		

### 14.13.030 Dimensional Standards

**Table 14.13.030-1 Dimensional Standards in the Natural Resource Zones**

	Ag-NRL	IF-NRL	SF-NRL	RRc-NRL
<b>Lot Dimensions</b>				
Minimum lot size (ac)	40	80	20	40
Minimum lot width (ft)		400	400	400

	Ag-NRL	IF-NRL	SF-NRL	RRc-NRL
<b>Lot Coverage</b>				
Maximum lot coverage (%)	-	-	-	*
<b>Minimum Setbacks (residential uses)</b>				
Front (ft)	*	100	100	50
Interior Side (ft)	8	100	100	50
Rear (ft)	35	100	100	50
<b>Minimum Setbacks (non-residential uses)</b>				
Front (ft)	35	100	100	50
Interior Side (ft)	15	100	100	50
Rear (ft)	35	100	100	50
<b>Building Size Limits</b>				
Maximum height (ft)	40	40	40	40

#### 14.13.100 Agricultural—Natural Resource Lands (Ag-NRL)

- (1) **Purpose.** The purpose of the Agricultural—Natural Resource Lands district is to provide land for continued farming activities, conserve agricultural land, and reaffirm agricultural use, activities and operations as the primary use of the district. Non-agricultural uses are allowed only as accessory uses to the primary use of the land for agricultural purposes. The district is composed mainly of low flat land with highly productive soil and is the very essence of the County’s farming heritage and character.
- (2) **Allowed uses.** In addition to the uses in SCC 14.13.020, the following uses are allowed in this zone:
- (a) Permitted uses.
    - (i) Commercial greenhouse operations that are an integral part of a local soil-based commercial agriculture operation.
    - (ii) Individual or multiple farm composting as an incidental agricultural operation to a working farm with no net loss of soil. The composting operation must be managed according to an approved nutrient management plan in conjunction with the local Conservation District and Natural Resources Conservation Service (NRCS) standards and all applicable environmental, solid waste, access and health regulations. Such use must not generate traffic uncommon to a farm operation.
    - (iii) On-site sorting, bagging, storage, and similar wholesale processing activities of agricultural products that are predominantly grown on-site or produced principally from the entire commercial farm operation. Such activities are limited to those which are integrally related to the agricultural production and harvesting process.
    - (iv) Water diversion structures and impoundments related to resource management.
  - (b) Administrative Special Uses.
    - (i) Greenhouse operations that are not integral to a local soil-based commercial ag operation. Greenhouses operating in the Ag-NRL zone as an administrative special use, if they cease operation, must be required to return the land to its former state or otherwise place the land in agricultural production.
  - (c) Hearing Examiner special uses.
    - (i) Expansion of existing natural resource industrial zoned agricultural support service businesses, provided the expansion is limited to only the area necessary for the business;

and also provided, that any conversion of agricultural land is minimized to the greatest extent possible.

### **(3) Dimensional Standards**

#### **(a) Setbacks.**

##### **(i) Front. 35 feet minimum, 200 feet maximum from public road.**

- (A)** Unless specified below or elsewhere in this Chapter, no portion of a structure may be located closer than 35 feet from the front lot line and no portion of a structure may be located further than 200 feet from the front lot line.
- (B)** If a parcel is located such that no portion or developable portion of the property is within 200 feet of a public road, the maximum 200-foot setback must be measured from the front property line.
- (C)** The maximum setback may be waived by the Director where critical areas, preventing the placement of residential structures, are located within the 200-foot setback area. The maximum setback may also be waived by the Director in cases where non-floodplain or non-prime agricultural land is located on the lot outside of the setback area, which would provide for a more appropriate placement of residential structures.
- (D)** In cases where a residence exists outside the setback area, residential accessory structures may be placed outside the setback area if located in accordance with the siting criteria outlined in this Section.

### **(4) Siting criteria for non-agricultural structures.** In addition to the dimensional standards above, new non-agricultural structures are required to comply with the following provisions:

- (a)** Siting of all non-agricultural structures in the Agricultural—Natural Resource Lands district must minimize potential impacts on agricultural activities consistent with this Subsection (4).
- (b)** Non-agricultural structures and development must be contained within the developed area of the parcel. “Developed area” includes areas covered with non-agricultural structures, lawn, gravel, concrete, asphalt, parking areas, driveways, septic systems, and landscaping, but does not include fields, farmed areas, or areas available to be farmed. Unless substantial evidence is provided indicating the location is not feasible, wells must also be located within the developed area whenever possible. Wells located outside of the developed area must be sited to minimize potential impacts on agricultural activities.
- (c)** New non-agricultural structures must be clustered and located no more than 35 feet from existing, compatible buildings. If a driveway is needed between buildings for access, the distance between buildings may be increased to a maximum of 50 feet to allow for the driveway. Driveways, whether existing or new, must be shared whenever possible.
- (d)** When the subject parcel has an existing non-agricultural developed area larger than one acre, the developed area may not be enlarged.
- (e)** When the subject parcel has an existing non-agricultural developed area less than one acre and there is insufficient developed area for the proposed building, the total developed area may be expanded in the minimum amount necessary but may not exceed a maximum of one-acre in size.
- (f)** When the subject parcel has no existing non-agricultural developed area, all non-agricultural development (including structures, parking areas, driveways, septic systems, wells, and landscaping, etc.) must share a common access and must be clustered within a one-acre area located at a corner of the parcel. If any adjacent parcel has a more intensive zoning designation (e.g., allows greater residential development potential), the selected corner must be adjacent to the parcel with more intensive zoning designation; in the alternative, if there is existing development on adjacent parcels, the selected corner must be the one nearest the adjacent development.



- (g) A site plan for any non-agricultural development must include adjacent parcels and must show the location of existing structures on the subject and adjacent parcels, including the current use of existing structures (e.g., dwelling, shop/garage, dairy barn).

#### **14.12.200 Industrial Forest—Natural Resource Lands (IF-NRL)**

- (1) Purpose. The purpose of the Industrial Forest—Natural Resource Lands district is to ensure that forest lands of long-term commercial significance are conserved and managed to provide sustainable forest yields, job stability, ecological values and the continuation of a viable commercial forest industry in Skagit County. Conservation of forest resources must be assured through measures designed to prevent incompatible development on or adjacent to resource lands. Forest activities do not constitute a nuisance if conducted in accordance with the State Forest Practice Rules and Regulations, WAC Title 222.
- (2) This zone applies to all land zoned Industrial Forest and to all fee simple ownerships within National Forests.
- (3) Allowed uses. In addition to the uses in SCC 14.13.020, the following uses are allowed in this zone:
  - (a) Permitted uses.
    - (i) Extraction of gravel and rock for the purpose of forest road construction and/or maintenance, and the operation of rock crushers, provided the material and equipment is used within the Industrial Forest or Secondary Forest—Natural Resource Lands zones, or on same forest owners' property.
    - (ii) Management and propagation of fish and wildlife.
    - (iii) Nonresidential structures which are accessory to forest management activities (i.e., temporary watchman quarters, equipment shop or storage structures).
    - (iv) Operations of scaling stations, log dumps, sorting and storage areas, forest industry residue dumping areas; provided, that any such use within 1,000 feet of any residential use district, park or recreation area must be temporary and less than 12 months in duration.
    - (v) Operation of sawmills, chippers, shake and shingle mills, forest industry equipment maintenance buildings and storage yards; provided, that such uses are temporary and are located on the property for no longer than 12 months' duration.
    - (vi) Storage of explosives for resource management use per adopted IBC and IFC, when located at least 300 feet from property boundary or public road right-of-way.
    - (vii) Temporary use of recreational vehicles only where it is in conjunction with an active forest practice application. Temporary use of recreational vehicles is only allowed under this Subsection where such recreational vehicle is used as temporary living quarters for trail crews, fire crews, nursery crews, logging crews, maintenance crews or watchman, and where such use occurs for less than six months per year.
    - (viii) Water diversion structures and impoundments related to resource management and on-site wetland restoration/enhancement projects.
  - (b) Administrative special uses. Reserved.
  - (c) Hearing Examiner special uses.
    - (i) Storage of explosives for commercial purposes when located at least 600 feet from property boundary or public road right-of-way.
- (5) A single-family residence or residential accessory use in this zone is allowed only when all of the following criteria are met:
  - (a) The residence is located within 200 feet of an existing County road or State highway;

- (b) The residence is located within the existing, as of July 26, 2005, boundaries of a fire district;
- (c) The residence is an accessory use to timber resource management activities;
- (d) Ingress and egress for fire vehicles meets the standards of the International Fire Code Section 503, as amended;
- (e) There is a 200-foot slash abatement maintained around the exterior portion of the dwelling;
- (f) There is a safety zone cleared of flammable vegetation 30 feet from any portion of the exterior of any structure on level ground and 100 feet downhill on sloped ground;
- (g) The dwelling or any accessory structure is constructed of a noncombustible roofing material; and
- (h) There is availability of 300 gallons of water on-site, 400 feet of one-inch fire hose with nozzle, and an internal combustion engine powered pump.

#### **14.12.300 Secondary Forest—Natural Resource Lands (SF-NRL)**

- (1) Purpose. The purpose of the Secondary Forest— Natural Resource Lands (SF-NRL) district is to provide a transitional area between the Industrial Forest—Natural Resource Lands zone and Rural zoned lands designated primarily for residential use and other nonforestry uses. The SF-NRL zone also provides a zone where smaller scale timber and other resource management activities can occur while providing protection from encroachment of residential activity that may encumber standard forest practices.
- (2) Allowed uses. In addition to the uses in SCC 14.13.020, the following uses are allowed in this zone:
  - (a) Permitted uses.
    - (i) Extraction of gravel and rock for the purpose of forest road construction and/or maintenance, and the operation of rock crushers, provided the material and equipment is used within the Industrial Forest or Secondary Forest—Natural Resource Lands Zone, or on same forest owners' property.
    - (ii) Management and propagation of fish and wildlife.
    - (iii) Nonresidential structures which are accessory to forest management activities (i.e., temporary watchman quarters, equipment shop or storage structures).
    - (iv) Operations of scaling stations, log dumps, sorting and storage areas, forest industry residue dumping areas; provided, any such use within 1,000 feet of any residential use district, park or recreation area must be temporary and less than 12 months in duration.
    - (v) Operation of sawmills, chippers, shake and shingle mills, forest industry equipment maintenance buildings and storage yards; provided, that such uses are temporary and are located on the property for no longer than 12 months' duration.
    - (vi) Storage of explosives for resource management use per adopted IBC and IFC, when located at least 300 feet from property boundary or public road right-of-way.
    - (vii) Temporary use of recreational vehicles only where it is in conjunction with an active forest practice application. Temporary use of recreational vehicles is only allowed under this Subsection where such recreational vehicle is used as temporary living quarters for trail crews, fire crews, nursery crews, logging crews, maintenance crews or watchman, and where such use occurs for less than six months per year.
    - (viii) Water diversion structures and impoundments related to resource management and (on-site) wetland restoration/enhancement projects.
  - (b) Administrative special uses. Reserved.
  - (c) Hearing Examiner special uses.

- (i) Storage of explosives for commercial purposes when located at least 600 feet from property boundary or public road right-of-way.
- (4) Dimensional Standards.
  - (a) Access frontage: 100 feet.

#### **14.12.400 Rural Resource—Natural Resource Lands (RRc-NRL)**

- (1) Purpose. The purpose of the Rural Resource—Natural Resource Lands district is to recognize and encourage the conservation of those lands which have the characteristics of both long-term commercially significant agriculture and forestry either on-site or on adjacent sites. These are lands generally not managed as industrial resource lands, because of less productive soils, parcel size and/or geographic location, but are managed on a smaller scale and provide support for the industrial natural resource land base. It is the intent of this district to restrict incompatible non-resource-related uses and to retain a long-term, commercially significant natural resource land base.
- (2) Allowed uses. In addition to the uses in SCC 14.13.020, the following uses are allowed in this zone:
  - (a) Permitted uses.
    - (i) Commercial greenhouse operations that are an integral part of a local soil-based commercial agriculture operation.
    - (ii) Commercial uses supporting resource uses, such as packing, first stage processing and processing that provides added value to resource products as long as there is no permanent conversion of the forest land.
    - (iii) Individual or multiple farm composting as an incidental agricultural operation to a working farm with no net loss of soil. The composting operation must be managed according to an approved nutrient management plan in conjunction with the local Conservation District and Natural Resources Conservation Service (NRCS) standards and all applicable environmental, solid waste, access and health regulations. Such use may not generate traffic uncommon to a farm operation.
    - (iv) Extraction of gravel and rock on three acres or less for the purpose of forest road construction and/or maintenance, and the operation of rock crushers, provided the material and equipment is used within the Rural Resource—Natural Resource Lands Zone, or on same forest owners' property.
    - (v) Operation of scaling stations, log dumps and sorting areas, and forest industry residue dumping areas; provided, that any such use within 1,000 feet of any residential use zone, park, or recreation area is temporary and less than 12 months' duration.
    - (vi) Operation of sawmills, chippers, shake and shingle mills, forest industry equipment maintenance buildings, and storage yards; provided, that such uses are temporary and are located on the property for no longer than 12 months' duration.
    - (vii) Water diversion structures and impoundments related to resource management and on-site wetland restoration/enhancement projects.
  - (b) Administrative special uses. Reserved.
  - (c) Hearing Examiner special uses.
    - (i) Extraction of gravel and rock on more than 3 acres for the purpose of forest road construction and/or maintenance, and the operation of rock crushers, provided the material and equipment is used within the Rural Resource—Natural Resource Lands Zone, or on same forest owners' property.
    - (ii) Impoundments for public drinking water; provided, that analysis determines a need that cannot be otherwise met and where not other viable site is available.

- (iii) Storage of explosives for commercial purposes when located at least 600 feet from property boundary or public road right-of-way.
- (4) Dimensional standards.
  - (a) Maximum lot coverage:
    - (i) Greenhouses: 35%
    - (ii) All other uses: 10% or 10,000 sf, whichever is greater.

## **Chapter 14.14 Overlay Zones and Uses**

### **14.14.010 Applicability**

- (1) This chapter applies to the following zones:
  - (a) Airport Environs Overlay (AEO)
  - (b) Guemes Island Overlay (GIO)
  - (c) Mineral Resource Overlay (MRO).

### **14.14.100 Airport Environs Overlay**

#### **(1) Overview.**

- (a) Background.
  - (i) Skagit Regional Airport is an essential public facility as designated in the Skagit County Comprehensive Plan, provides an important transportation service to the region, and is a vital asset to facilitate economic growth in the County.
  - (ii) Skagit Regional Airport has been operated for general aviation and commercial purposes by local municipal governments since the 1950s when it was acquired from the Federal government. The Port of Skagit has owned and operated the airport since 1965 and asserts that it has obtained aviation easements by prescription over property surrounding the Skagit Regional Airport.
  - (iii) State law requires the County to protect public use airports from incompatible land uses through comprehensive planning and development regulations (RCW 36.70.547 and 36.70A.510).
  - (iv) In 1999, the Washington State Department of Transportation (WSDOT), Aviation Division, adopted guidelines that provided technical information and policy recommendations regarding airport land use compatibility. Skagit County used that document, together with information from the California State Department of Transportation Airport Land Use Planning Handbook (1993), and information specific to the Skagit Regional Airport, to prepare the Skagit Regional Airport Land Use Compatibility Study (May 2000) that was the basis for the first version of this Airport Environs Overlay code. In 2011, WSDOT issued an updated Airports and Compatible Land Use Guidebook. The 2011 guidance recommends additional compatibility criteria within six Compatibility Zones surrounding the airport.
  - (v) Where airport operations exist side-by-side with other development, or where low-flying air traffic overflies other development, airport operations are frequently the subject of nuisance complaints. As a result, some airports have been forced to cease or curtail operations. As an essential public facility, reduction or curtailment of service at Skagit Regional Airport is contrary to the public interest and the requirements of the Growth Management Act.
- (b) Policy. The policy of Skagit County is to:

- (i) Protect the long-term viability of Skagit Regional Airport; and
  - (ii) Promote land uses compatible with the airport within the airport's designated environs.
- (c) Purpose. The purpose of this Section is to:
- (i) Reduce any loss of airport operations by limiting and defining the circumstances under which Skagit Regional Airport may be considered a nuisance.
  - (ii) Require title notices and avigation easements that recognize that property in proximity to the airport is subject to overflight effects, e.g. noise, exhaust fumes, illumination, smoke, vibration, and loss of quiet enjoyment due to aircraft overflights associated with landing and taking off.
  - (iii) Help property purchasers and users understand the impact of living or owning a business near Skagit Regional Airport, and the conditions associated with their location.
  - (iv) Protect public health, safety, and general welfare within the airport environs.

## **(2) Applicability.**

- (a) Designation of Airport Environs.
- (i) For purposes of this Section, the airport environs is that geographic area affected by the airport and defined based on factors including, but not limited to, aircraft noise, aircraft flight patterns, local circulation patterns, and area development plans, and is based on the WSDOT 2011 Airport and Compatible Land-Use Program Guidebook's airport compatibility zones.
  - (ii) The boundaries of the Airport Environs Overlay ("AEO") zone and the six Airport Compatibility Zones ("ACZ") are depicted on the adopted Skagit County Airport Environs Overlay map available at Skagit County Planning and Development Services and on the County website.
- (b) Generally. This Section applies to any of the following that lies wholly or partially within the airport environs:
- (i) New buildings, structures, subdivisions, binding site plans, or land uses and their associated permits or approvals.
  - (ii) Outdoor activities involving human use or assembly, including but not limited to:
    - (A) Open storage areas, roofed or unroofed, separate or adjoining another structure; and
    - (B) Parks, playgrounds, and playing fields.
  - (iii) Vegetation.
- (c) Exemptions. The following uses are exempt from the requirements of this Section:
- (i) Any object that will be shielded by existing structures of a permanent and substantial nature or by natural terrain or topographic features of equal or greater height, and will be located in an area of existing development where the shielded structure will not adversely affect safety in air navigation;
  - (ii) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device meeting FAA-approved siting criteria, the location and height of which are fixed by its functional purpose;
  - (iii) Any construction or alteration for which notice is required by any other FAA regulation;
  - (iv) Any antenna structure of 20 feet or less in height, except one that would increase the height of another antenna structure;
  - (v) Other uses as determined by the Director to be minor or incidental and within the intent or objective of these regulations.

- (d) Existing Uses. Uses lawfully existing on the effective date of the ordinance adopting this Section are not required to change operations to comply with these regulations but may not be changed as to result in a greater degree of nonconformity with respect to these regulations, except that existing schools are allowed to expand.

### (3) Compatibility Requirements.

- (a) Prohibited Uses. The following land uses are prohibited in all airport compatibility zones:
- (i) Public and institutional uses, including hospitals, nursing homes, K-12 schools, stadiums, and any other land use where the people occupying the space have limited ability to move out of harm's way in a safe and rapid manner.
  - (ii) Aboveground bulk storage of flammable or hazardous materials that are not incidental to the permitted use.
  - (iii) Manufactured home parks.
- (b) Additional ACZ-Specific Restrictions. To protect the safety of both pilots and people on the ground in the event of an airplane crash, uses within the Airport Compatibility Zones are subject to the restrictions shown in the following table in addition to the restrictions imposed by the applicable zones. Required open space must be maintained as vegetation not more than four feet in height, mowed lawn, or pavement.

**Table 14.14.100-1 ACZ-Specific Restrictions**

ACZ	Additional Use Restrictions	Required Open Space
1	No new structures or uses allowed (except aviation-related Port uses).	100%, except airport structures
2	No multifamily dwellings, accessory dwelling units, temporary manufactured homes, day care, co-housing, churches, or bed and breakfasts allowed.	30%
3S	n/a	15%
3L	No accessory dwelling units, temporary manufactured homes, co-housing, or bed and breakfasts allowed.	15%
4S	n/a	10%
4L	n/a	10%
5	n/a	30%
6	Public and institutional uses (including churches) may not exceed a density of 100 people/acre.	10%

- (c) Other Compatibility Requirements.
- (i) Trees. The owner of any tree that grows tall enough to impede the height restriction contours as depicted on the AEO Building Heights Restriction map must permit the maintenance or removal of the tree by the Port of Skagit to prevent hazards to air navigation.
  - (ii) Exhaust Plumes.
    - (A) Background. The FAA has determined thermal exhaust plumes can disrupt flight in the vicinity of an airport. The effect can vary greatly depending on several factors: local winds, ambient temperatures, stratification of the atmosphere, size, height, and number of the stack(s) emitting the plume(s), proximity to airport and flight paths, temperature and vertical speed of the effluent, and the size and speed of aircraft. Visibility may be reduced and hinder a pilot's ability to navigate if smoke, steam or fog is produced. Heated exhaust plumes can originate from any number of sources, including but not limited to chimneys, elevated smokestacks at power generating stations, boilers, smelters, combustion sources, and flares created by an instantaneous release from a pressurized gas system. When exhaust plumes have significant vertical exit velocities,

they may cause damage to an aircraft airframe, or upset an aircraft when flying at low levels, such as during approach, landing, and take-off operations.

- (B) Assessments. Any proposal that includes construction or alteration of a significant exhaust-producing element must provide the following to the County and Port of Skagit:
  - (I) An assessment of the vertical velocity of the exiting exhaust using a recognized plume rise equation or equivalent source testing; and
  - (II) Project plan details that include stacks size, number, and height, as well as temperature so an assessment of the size and severity of the plumes may be completed using an FAA-recognized plume analyzer.
- (C) Requirement. When assessment results indicate that a vertical exhaust plume has potential to interfere with safe control of aircraft, the project proponent must evaluate mitigating design measures in consultation with the County and Port of Skagit.
- (iii) Stormwater management features, including stormwater detention or retention ponds, must be designed in accordance with the WSDOT Airport Stormwater Guidance Manual, except that mandatory provisions of Chapter 14.32 SCC control over conflicting provisions of the WSDOT manual.
- (iv) Solar Panels.
  - (A) Solar panels can have varying degrees of reflectivity depending on the type of solar technology used. Reflectivity can cause glint and glare to pilots, which can cause a brief loss of vision constituting a hazard to air navigation.
  - (B) Solar panels must be constructed with an anti-reflective layer to reduce glare.
- (v) Electronic Interference.
  - (A) Background. Electronic interference can affect navigational aids used by pilots during takeoff and landing. Interference can be direct interference with the navigation signal (i.e., transmitting locally on a frequency that is close to the NAVAID frequency or a harmonic of that frequency) or indirect interference (through adverse reflections, blocking of the signal by structures, or some interfering activity at a location).
  - (B) Requirement. Any proposal that includes potential for electronic interference with aircraft communications must provide project details to the County and the Port for evaluation.
- (d) Height.
  - (i) Background.
    - (A) Obstructions as defined by Section 77.23 of the Federal Aviation Regulations (“FAR”) may create electrical interference with navigational signals or radio communication between the airport and aircraft; make it difficult for pilots to distinguish between airport lights and others; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create turbulence in the vicinity of the airport; create bird strike hazards; or otherwise endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
    - (B) The purpose of aeronautical review is to determine whether the proposed construction or alteration creates a hazard to air navigation, to allow the Federal Aviation Administration (“FAA”) to make recommendations to avoid or minimize new hazards to air navigation, and to allow the FAA to notify the aviation community of any project that would affect the navigable airspace (FAR 77.5).

- (C) The AEO Building Heights Restriction Contours Map shows contours that describe an imaginary plane as defined by Section 77.25 of the Federal Aviation Regulations minus the underlying ground elevations.
- (D) The AEO FAA Aeronautical Review Map shows contours that indicate when a building height triggers FAA review.

(ii) Requirements.

- (A) Development may not impede the imaginary plane defined by Section 77.25 of Federal Aviation Regulations and generally shown as contours on the AEO Building Heights Restriction Contours Map. The Director may make a final determination regarding the applicability of the building height restriction plane.
- (B) Development that impedes the contours shown on the AEO FAA Aeronautical Review Map must submit a Notice of Proposed Construction or Alteration (FAA Form 7460-1 or its successor) to the FAA at least 45 days before the proposed start date of the proposed construction or alteration.

**(4) Port of Skagit Review.** The Department must provide an opportunity for the Port of Skagit to review and comment for any application for a commercial building permit, land division, special use permit, boundary line adjustment, or variance that requires notice to the Federal Aviation Administration. This subsection gives no authority to the Port of Skagit to require changes to the application.

**(5) Required Avigation Easement and Title Notice.**

- (a) The Department may not issue any permit on property other than that owned by the Port of Skagit unless the documents indicated in the table below are recorded in the chain of title for the underlying property:

ACZ	Requirement
1	No documents required.
2	An avigation easement in favor of the Port of Skagit; and A notice and acknowledgement of airport and aircraft operations and a waiver of claims.
3-6	An avigation easement in favor of the Port of Skagit; and A notice and acknowledgement of airport and aircraft operations.

- (b) The required recordings must be on forms provided by the Department.

**(6) Disclosure.**

- (a) Upon transfer of real property located within the Airport Environs Overlay district, as set forth in SCC 14.16.210—whether by sale, exchange, gift, real estate contract, lease with an option to purchase, any other option to purchase, ground lease coupled with improvements, or any other means—the buyer must record with the County Auditor a statement containing the language set forth below in conjunction with the deed conveying the real property.
- (b) The following constitutes the disclosure required by subsection (6)(a) of this section:

This property may be located within the Airport Environs Overlay (AEO) Zone, which is a geographic area affected by the Skagit Regional Airport. The Skagit Regional Airport is an essential public facility as designated in the Skagit County Comprehensive Plan and provides important transportation services to the region, and it is a vital asset to facilitate economic growth in Skagit County. It is the policy of Skagit County to support the continued use of Skagit Regional Airport, including its future accommodation of both increased aircraft traffic and utilization of aircraft of the class, size and category as is now or may hereafter be operationally compatible with the Skagit Regional Airport. Reduction or curtailment of services at the Skagit Regional Airport is contrary to the public interest and the requirements of the Washington State Growth Management Act, Chapter 36.70A RCW. The Skagit Regional Airport has been operated for



general aviation and commercial purposes since the 1950s. The Port of Skagit has owned and operated the Skagit Regional Airport since 1965 and asserts that it has obtained avigation easements by prescription over property surrounding the Skagit Regional Airport.

This property is located in proximity to the Skagit Regional Airport and is subject to overflight effects that may be incompatible with certain uses, such as residential occupancy. These overflight effects include, without limitation: noise, exhaust fumes, illumination, glare, smoke, vibration, and loss of quiet enjoyment due to propeller-driven and jet aircraft overflights associated with aircraft landing and taking off from the Skagit Regional Airport. There is a risk that an aircraft could accidentally crash into this property causing property damage, personal injury, and/or death to persons on this property from the impact, fire, or explosion of an aircraft. Occupants of this property should be prepared to accept such incompatibilities, inconveniences, or discomfort from airport operations.

This notice conveys actual and constructive knowledge to any person or entity acquiring, obtaining, leasing, or holding real property interest or right of occupancy in or on this property. Skagit County Code may have required, or may require in the future, as part of a development permit that the owner of this property execute a Notice Acknowledgement, a Notice Acknowledgement and Waiver, and/or an Avigation Easement. More specific information regarding airport operation and its potential impact on this property can be obtained by calling the Port of Skagit County, Skagit Regional Airport, Operations Office.

#### **14.14.200 Guemes Island Overlay**

- (1) Purpose. This Section describes additional development standards for Guemes Island.
- (2) Applicability. This Section applies to all development within all zones on Guemes Island, and is to be applied in conjunction with the underlying zoning regulations.
- (3) Permitted Uses. Reserved.
- (4) Administrative Special Uses. Reserved.
- (5) Hearing Examiner Special Uses. Reserved.
- (6) Prohibited Uses.
  - (a) Accessory dwelling units (ADUs) where the water source contains chloride levels greater than 25 ppm.
- (7) Dimensional Standards.
  - (a) Setbacks.
    - (i) Front Setback for Fences. Fences that are less than 50 percent opaque and more than three feet tall must be set back at least 10 feet.
    - (ii) Interior Side. Each side setback must be at least eight feet.
  - (b) Maximum Height.
    - (i) Structures Located in a Special Flood Hazard Area. The actual height of the structure from base flood elevation may not exceed 30 feet.

#### **14.14.300 Mineral Resource Overlay**

- (1) Purpose. The purpose of the Mineral Resource Overlay (MRO) is to maintain and enhance natural resource-based industries by conserving mineral resource lands, allowing continued operation of existing legally established uses, and by assuring that use of adjacent lands does not interfere with the extraction and quarrying of minerals. A MRO overlays Natural Resource Lands (NRL) zones and imposes regulations in addition to those normally required in the underlying NRL zone. Mineral extraction and processing activities are allowed as a Hearing Examiner special use, and must comply

with the Surface Mining Act, Chapter 78.44 RCW. The MRO recognizes those areas that are designated to protect long-term, commercially viable mineral Natural Resource Lands and recognizes that mineral resources must be in close and economic proximity to the market to be served.

- (2) Designation Procedure. The MRO represents those areas that are designated as Mineral Resource Overlay (MRO) on the Skagit County Comprehensive Plan Map adopted by Ordinance 16550, or as thereafter amended. Unless otherwise restricted by ordinance, new Mineral Resource Overlay areas may be designated by complying with Chapter 36.70A RCW, the Comprehensive Plan amendment procedures of the Skagit County Comprehensive Plan, and Chapter 14.08 SCC.
- (3) Pre-Existing Designated and Undesignated Mining Operations.
  - (a) Except as allowed in Subsection (3)(b) of this Section, or the extraction uses allowed in IF-NRL, SF-NRL, RRc-NRL, no new mining uses may be allowed outside of the designated Mineral Resource Overlay.
  - (b) Commercial mining operations lying outside of a designated MRO that are permitted and legally existing at the time of adoption of the ordinance codified in this Section may continue to operate on the permitted mining site. Expansion of the existing operations beyond the geographical and/or operational limits imposed by the existing approval is allowed, provided the owner applies for and receives a new mining special-use permit issued under this Section that covers the expanded operation area. Any expansion shall not extend beyond the legal parcel on which the legally existing, permitted use is located.
  - (c) Commercial mining operations lying within a designated MRO that are permitted and legally existing at the time of adoption of the ordinance codified in this Section may continue to operate on the permitted mine site. Expansion of the existing operations beyond the geographical and/or operational limits imposed by the existing approval is allowed, provided the owner applies for and receives a new mining special-use permit issued under this Section that covers the expanded operation and/or area.
- (4) Removal of Designation Status. A petitioner may seek removal of designated Mineral Resource Lands and the associated Mineral Resource Overlay on the Official Zoning Map through the Comprehensive Plan amendment process, pursuant to Chapter 14.08 SCC, and by demonstrating one or more of the following:
  - (a) The mineral resource is depleted to a point that it is no longer economically feasible to continue mining on the site.
  - (b) New or updated geological data no longer indicates the potential for mineral resources of regional or long-term commercial significance on the site.
  - (c) The Mineral Resource Overlay was designated based on a technical mapping error.
- (5) Permitted Uses. All uses permitted in the underlying zone are allowed in the MRO.
- (6) Accessory Uses. All accessory uses permitted in the underlying zone are allowed in the MRO.
- (7) Special Uses.
  - (a) Any other special use permitted in the underlying zone is likewise permitted in the MRO.
  - (b) The following uses are permitted as a Hearing Examiner Special Use in the Mineral Resource Overlay subject to the requirements of this Section and the restrictions contained in the underlying zone. Uses under this Section must comply with Chapter 78.44 RCW, Surface Mining Act, Chapter 90.48 RCW, the Water Pollution Control Act, and all other applicable laws and regulations:
    - (i) Activities associated with mining or quarrying operations, including blasting and use of equipment in connection with an extraction operation, maintenance of mineral extraction equipment, maintenance of roads, traffic control, sorting, crushing, cleaning and loading;

- (ii) On-site processing including asphalt or concrete batching and asphalt or concrete recycling;
- (iii) Surface or underground mining or quarrying of mineral deposits or building materials from rock, stone, gravel, sand, and earth together with associated structures and equipment; and
- (iv) Temporary dwellings for a caretaker or superintendent and their family.

## Chapter 14.15 Bayview Ridge UGA Zones and Uses

### 14.15.010 Applicability

(1) This chapter applies to the following zones:

- (a) Aviation Related (AVR)
- (b) Aviation Related Limited (AVR-L)
- (c) Bayview Ridge Light Industrial (BR-LI)
- (d) Bayview Ridge Heavy Industrial (BR-HI)
- (e) Bayview Ridge Residential (BR-R)

### 14.15.020 Allowed Uses

(1) The uses shown in the table below are allowed in the specified zones. For development standards for these uses, see the use section in Chapter 14.18 SCC.

**Table 14.11.020-1 Allowed Uses in the Bayview Ridge UGA Zones**

	AVR	BR-LI	BR-HI	BR-R
<b>Residential Uses</b>				
Single-family residence				P
Accessory Dwelling Unit				P
Middle housing				P
Owner operator/caretaker quarters		AC	AC	
Residential accessory use				P
<b>Commercial/Retail Uses</b>				
Asphalt/concrete batching or recycling, temporary		AD		
Bed and breakfast				HE
Car wash		P		
Family day care provider				AD
Home-Based Business 1				P
Home-Based Business 2				AD
Home-Based Business 3				HE
Marijuana production/processing facility > 1,000 ft from a residential zone		P	P	
Marijuana production/processing facility ≤ 1,000 ft from a residential zone		AD	P	
Mini-storage		P		
Restaurant	P			
Temporary events	P	P	P	AD
Vehicle repair garage		P		
<b>Community/Public Uses</b>				
Church				HE
Historic site open to the public		P	P	P

	AVR	BR-LI	BR-HI	BR-R
<b>Natural Resource Uses</b>				
Anaerobic digester			P	
Habitat enhancement/restoration project	P	P	P	P
<b>Park/Recreational Uses</b>				
Golf course				HE
Park, community				HE
Park, specialized recreational area				AD
Racetrack, recreational		HE	HE	
Trail	AD	P	AD	P
Trailhead, primary and secondary	AD	P	AD	P
<b>Storage Uses</b>				
Outdoor storage 1	AD	AC	AC	
Outdoor storage 2	AD	AC	AC	
Outdoor storage 3	HE		AC	
Outdoor storage 4	HE	AD	AD	
<b>Transportation Uses</b>				
Vehicle charging station	P	P	P	
Vehicle fueling station		P	P	
<b>Utility Uses</b>				
Recycling drop-box facility		P	P	AC

## 14.15.030 Dimensional Standards

**Table 14.15.030-1 Dimensional Standards in the Bayview Ridge UGA Zones**

	AVR	BR-LI	BR-HI	BR-R
<b>Lot Dimensions</b>				
Minimum lot size—single-family dwelling (sf)	-	-	-	6,000
Minimum lot size—multi-family dwelling (sf per each 2 units)	-	-	-	8,400
Minimum lot width—single-family dwelling (ft)	-	-	-	50
Minimum lot width—multi-family dwelling (ft)	-	-	-	60
<b>Lot Coverage</b>				
Maximum lot coverage (%)	-	-	-	65
<b>Minimum Setbacks (primary use)</b>				
Front (ft)	-	35	35	*
Interior Side (ft)	-	*	*	*
Rear (ft)	-	*	*	20
<b>Minimum Setbacks (accessory use)</b>				
Front (ft)	-	35	35	20
Interior Side (ft)	-	*	*	*
Rear (ft)	-	*	*	*
<b>Building Size Limits</b>				
Maximum height (ft) (but see AEO, SCC 14.14.100)	-	*	50	40

#### 14.15.040 Street Standards

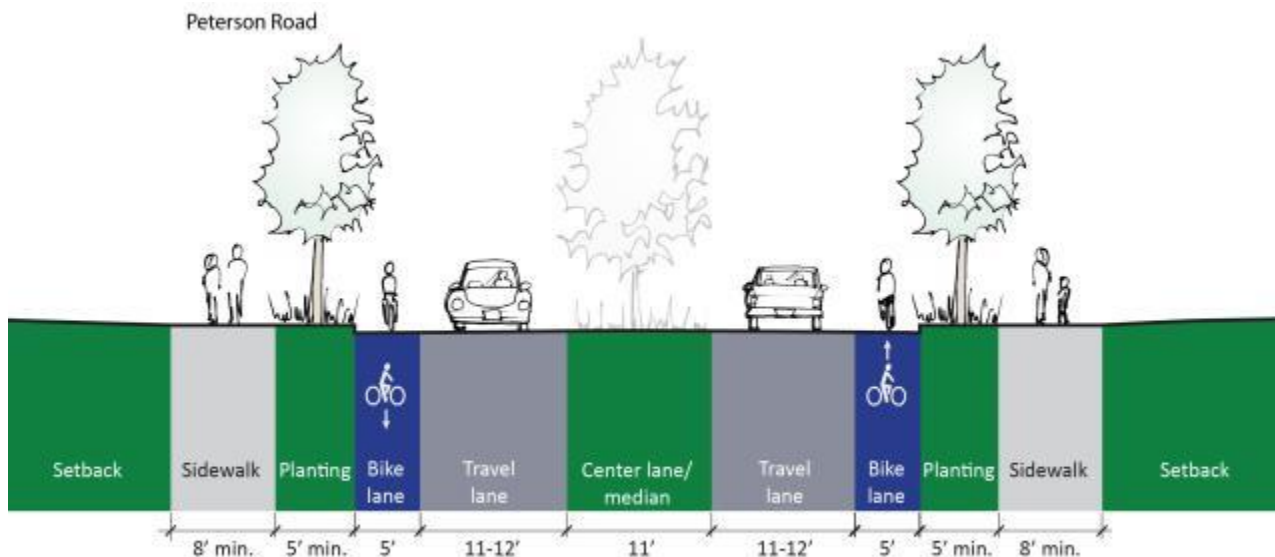
- (1) The property owner must construct streets consistent with the Urban Standards outlined in the Skagit County Road Standards.
- (2) The Director may grant an exception to the requirements for curb, gutter, and sidewalk on property if it is determined that such exception is necessary to protect wetlands and their required buffers under the County's Critical Areas Ordinance and if, as an alternative to sidewalks along the street, the Port of Skagit County (Port) and/or landowner has constructed, or will have constructed prior to occupancy, a pedestrian trail system consistent with and augmenting the trail system adopted by the Port in Resolution No. 99-09 or the conceptual trail map adopted as part of the Bayview Ridge Subarea Plan.
- (3) Street Standards for BR-R. Additionally, a minimum four-foot planting strip and five-foot sidewalk is required on all road frontages.
- (4) Street Standards for BR-LI. New streets in BR-LI must be designed consistent with the established pattern of development for the zone. Specifically, this includes a curb-less street design with swales or other approved drainage elements on one or both sides, and a paved or gravel trail on at least one side. These design elements must be constructed per the Skagit County Public Works Standards.

**Figure 14.15.040-1 Streets standards in BR-LI**



- (5) Special Street Standards for Retail Uses along Peterson Road. In BR-LI, some limited retail uses are allowed along Peterson Road. Where proposed, the following street design standards apply. Street frontage trees must be deciduous, with a size at maturity not to exceed the maximum building height for the AEO safety zone.

**Figure 14.15.040-2 Streets Standards for Retail Uses Along Peterson Road**



#### **14.15.050 Stormwater**

- (1) The property owner must construct surface and stormwater management improvements as determined by the County to be consistent with the surface water management standards found in Chapter 14.32 SCC, Stormwater Management. Surface and stormwater management improvements must be constructed consistent with the adopted Bay View Watershed Stormwater Management Plan Phase 1.
- (2) As a condition of development approval on the subject property, and for all property in the UGA owned by the same owner, the owner must sign an agreement not to protest a future LID or other pro rata sharing of costs to upgrade the surface water management system or install additional urban standard stormwater management improvements within 20 years, if such are determined necessary as part of surface or stormwater management standards in the Subarea Plan process for the Bayview Ridge UGA.
  - (a) Credit must be provided for prior contributions and improvements already made or completed by the individual property owners (or their predecessor in interest) for the particular urban public facility or service contemplated by the Subarea Plan or LID, including, but not limited to, stormwater drainage facilities, or dedication of property for public facilities that are included in the subarea facilities plan.

#### **14.15.060 Sanitary Sewer Service**

- (1) An applicant for a project permit that will require sewage disposal must extend or connect to the public sewer system to serve the development, unless the exception in Subsection (2) of this Section applies. The public sewer system extension or connection must be in accordance with the City of Burlington's design and construction standards. The owner must submit a letter of sewer availability from the City of Burlington prior to development application and must connect to the existing sewer line prior to final approval.
- (2) Exception. A property owner applying for a project permit that is not associated with a new land division for a single-family dwelling unit or residential accessory use on property that is greater than 200 feet from a City of Burlington sewer line is not required to hook up to the public sewer system; provided, the owner must record an agreement, referred to as an "agreement to connect," with the Skagit County Auditor. Such agreement must be a covenant that runs with the land and is binding

upon the owner and successors in interest of the property. The agreement must provide that the structure served by the on-site sewage system must be connected to the public sewer at such time as the public sewer is available. Public sewer service is considered available when the sewer line is within 200 feet of the residential structure, as measured along the usual or most economically feasible route of access. Such agreement must require payment of all connection charges applicable at the time of actual connection to the public sewage system.

- (3) Existing On-Site Systems. If an existing on-site system requires repair, modification, or replacement, the owner must connect to the public sewer system unless the exception in Subsection (2) of this Section applies.

#### **14.15.070 Water Service**

An applicant for a project permit must submit a letter of water availability for the proposed use from Skagit PUD No. 1 and connect to the PUD No. 1 water system. Fire flow requirements are as specified in the Skagit County Coordinated Water System Plan.

#### **14.15.080 Subdivisions**

- (1) This section applies to all subdivisions within the Bayview Ridge UGA.
- (2) Landscaping. At a minimum, subdivisions must meet the requirements of Chapter 14.25 SCC, except that all street frontage trees must be deciduous, with a size at maturity not to exceed the maximum building height for the AEO safety zone.
- (3) Connectivity Analysis. Roads and sidewalks must connect or stub out to surrounding streets, sidewalks, or paths or undeveloped property based on an analysis of logical connections.

#### **14.15.100 Aviation Related (AVR)**

- (1) Purpose. The purpose of the Aviation Related district is to provide a place for regional airfields and uses which require proximity and access to an established airfield. Land designated as AVR should be located adjacent and accessible to airport terminals, hangar areas, taxiways, and related facilities. Federal Aviation Administration regulations and the applicable Airport Master Plan for the airport facility under review further restrict building and site development within the AVR zone.
- (2) Allowed uses. In addition to the uses in SCC 14.15.020, the following uses are allowed in this zone:
  - (a) Permitted uses.
    - (i) All uses permitted in the BR-LI zone.
    - (ii) Air charter services.
    - (iii) Aircraft fueling.
    - (iv) Aircraft maintenance and repair.
    - (v) Aircraft parking and hangars.
    - (vi) Aircraft related manufacturing.
    - (vii) Aircraft sales and sales of aircraft parts.
    - (viii) Airport including terminal facilities.
    - (ix) Aviation schools.
    - (x) Regional airfields.
    - (xi) Uses that require or utilize aviation access and those that serve the aviation industry and/or air passengers.
    - (xii) Uses accessory or related to aviation, such as aviation-related navigation aids.

(xiii) Uses permitted in the BR-LI zone.

(xiv) Vehicle rental.

(xv) Warehousing for airport users.

(3) Additional Requirements.

- (a) All improvements must conform to applicable Federal regulations concerning dimensional restriction on air operations including height restrictions and required setbacks from air operations areas.

**14.15.200 Aviation Related-Limited (AVR-L)**

- (1) Purpose. Because almost all of this zone is constrained by wetlands and limited by the Countywide Planning Policies allocation of commercial-industrial acreage to the Bayview Ridge Subarea, the purpose of this zone is to allow a maximum of 20 acres of light industrial or commercial development, and otherwise allow only those uses essential for support of the Skagit Regional Airport.

(2) Allowed Uses.

- (a) All of the uses permitted in the BR-LI zone are allowed in the AVR-L zone, subject to the same level of review required in the BR-LI zone, but limited to a total of 20 acres within the entire zone.

- (b) The following uses are not subject to the 20-acre limitation in paragraph (a) of this subsection:

(i) Permitted Uses.

(A) Aviation-related navigation aids;

(B) Habitat enhancement/restoration project;

(C) Drainage maintenance;

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

(E) Trails;

(F) Trailheads, primary and secondary;

(G) Temporary events.

(ii) Administrative special uses.

(A) Minor utility development;

(B) Outdoor storage 1;

(C) Outdoor storage 2.

(iii) Hearing Examiner special uses.

(A) Outdoor storage 3;

(B) Outdoor storage 4.

(3) Dimensional Standards.

- (a) All uses in this zone are subject to the same dimensional standards as in the BR-LI zone.

(4) Additional Requirements.

- (a) Landscaping must be provided as required by Chapter 14.25 SCC.

- (b) All improvements must conform to applicable Federal regulations concerning dimensional restriction on air operations including height restrictions and required setbacks from air operations areas.



- (c) The requirements for buffering between Industrial and Residential Zoned Land for BR-LI are also required in this zone. The measures in SCC 14.15.300(5) also apply to industrial or commercial uses in AVR-L.

#### **14.15.300 Bayview Ridge Light Industrial (BR-LI)**

- (1) Purpose. The purpose of the Bayview Ridge Light Industrial zone is to allow light manufacturing, limited commercial uses, offices associated with permitted uses identified below, wholesale, warehousing, distribution and storage, equipment storage and repair, uses requiring rail access, more direct access to SR 20 and/or access to high capacity utilities such as fiber optics, high voltage electric lines and gas lines, and other uses compatible with a light manufacturing district.
- (2) Allowed uses. In addition to the uses in SCC 14.15.020, the following uses are allowed in this zone:
  - (a) Permitted uses.
    - (i) Agricultural and food processing, storage and transportation.
    - (ii) Agricultural uses, on an interim basis until industrial development; residences are not allowed as an accessory use in conjunction with agriculture.
    - (iii) Bulk commodity storage and rail/truck trans-shipment terminals.
    - (iv) Cold storage facilities.
    - (v) Commercial uses, including offices associated with permitted uses, but excluding principally retail uses such as the sales of goods or services. Incidental retail sales of consumer goods and services are permitted as accessory uses under Subsection (3) of this Section. No large-scale retail centers such as department stores, malls, shopping centers, and other similar facilities commonly referred to as “big box” retail establishments.
    - (vi) Construction contractors, contractors’ services, utility services (equipment and supply yards for contractors and utility providers), and building services (cleaning, maintenance, security, landscaping, etc.).
    - (vii) Lumber yards.
    - (viii) Manufacture, processing, treatment, storage, blending, fabrication, development, assembly or packaging of any product from natural or synthetic materials.
    - (ix) Parks, courtyards, plazas, and public spaces.
    - (x) Printing, publishing, and broadcasting.
    - (xi) Rail terminals and intermodal truck/rail storage and shipping facilities.
    - (xii) Repair, sales, rental, and storage facilities for equipment, including heavy equipment, farm equipment, marine equipment, boats, airplanes, trucks, and recreational vehicles.
    - (xiii) Research, development and testing facilities.
    - (xiv) Retail and wholesale nurseries/greenhouses.
    - (xv) Security services and armored car depots and services.
    - (xvi) Telephone and Internet call centers and server farms; web hosting facilities and other communication centers.
    - (xvii) Vocational educational and training centers.
    - (xviii) Warehousing, distribution and storage facilities.
    - (xix) Wholesale businesses. Incidental retail trade may be permitted as accessory uses.
  - (b) Permitted uses, only when they abut Peterson Road:

- (i) Retail food markets and convenience stores, including farmers markets, with a maximum building footprint of 15,000 square feet.
  - (ii) Small retail businesses, including eating and drinking establishments, with a maximum building footprint of 5,000 square feet.
  - (iii) Car washes.
  - (iv) Vehicle repair garages.
- (c) Accessory uses.
  - (i) Day care centers primarily serving employees and residents located in the Bayview Ridge Subarea.
  - (ii) Electrical generating facilities producing less than 50 megawatts of electricity and electrical substations and gasworks serving permitted, accessory, administrative, or special uses.
  - (iii) Incidental retail sales of products manufactured, processed, distributed, produced, or assembled on-site; provided, that the floor area allocated to retail sales of products distributed on-site must not be greater than 10 percent of the gross floor area of the building occupied by the distribution facility and in no event may said retail sale area be greater than 2,000 square feet of gross floor area.
  - (iv) Recreational facilities primarily serving facilities and employees located in the Bayview Ridge Subarea.
  - (v) Agricultural slaughtering facilities; provided, that the portion of the premises dedicated to slaughtering is (1) entirely enclosed within the interior of the facility, and (2) occupies less than 5,000 square feet of the total processing facility.
- (d) Hearing Examiner special uses.
  - (i) On-site hazardous waste treatment and storage facilities that are an accessory use to an otherwise permitted use on the site, provided such facilities comply with the State Hazardous Waste Siting Standards and County and State Environmental Policy Act requirements and the Clean Water Act. No treatment or storage of hazardous materials is permitted within 500 feet of the nearest residence.
- (3) Dimensional Standards.
  - (a) Setbacks.
    - (i) Interior Side: 50 ft, except zero if adjacent to other commercial/industrial zoning.
    - (ii) Rear: 50 ft, except zero if adjacent to other commercial/industrial zoning.
  - (b) Maximum building height. 50 feet, except 35 feet for those portions of a building located within 100 feet of a residential zone.
- (4) Additional Requirements.
  - (a) Type V landscaping per Chapter 14.25 SCC is required between BR-LI and residential zones.
- (5) Buffering between Industrial and Residential Zoned Land. The following measures are intended to minimize impacts from noise, vibration, dust, other industrial impacts, and to maintain privacy and aesthetic compatibility:
  - (a) Loading Areas. Truck loading operations and maneuvering areas may not be located within 250 feet of areas zoned for residential use, unless the loading and maneuvering area is located on the opposite side of a building from a residential zone.
  - (b) Within 250 feet of a residential zone, all outdoor lighting must be full cut-off.

- (c) Within 100 feet of a residential zone, mechanical equipment located on the roof, facade, or external portion of a building must be architecturally screened by incorporating the equipment in the building and/or site design so as not to be visible from adjacent residential zones or public streets.
- (d) Equipment or vents that generate noise or air emissions must be located to minimize impacts on adjoining residentially zoned properties.

#### **14.15.400 Bayview Ridge Heavy Industrial (BR-HI)**

- (1) Purpose. The purpose of the Bayview Ridge Heavy Industrial zone is to allow for industrial developments that have the potential for more than a minimal level of disturbance to adjacent properties.
- (2) Allowed uses. In addition to the uses in SCC 14.15.020, the following uses are allowed in this zone:
  - (a) Permitted uses.
    - (i) Fabrication of resource-related items.
    - (ii) Fertilizer manufacturing.
    - (iii) Manufacturing wood containers and products.
    - (iv) Production, repair and servicing of specialized tools and equipment.
    - (v) Agricultural uses, on an interim basis until industrial development except that residences may not be allowed as an accessory use in conjunction with agriculture.
    - (vi) Automobile wrecking; provided, that landscaping is installed per Chapter 14.25 SCC. If none applies pursuant to a zoning designation, Type I landscaping must be required.
    - (vii) Bulk commodity storage and rail/truck trans-shipment terminals.
    - (viii) Cold storage facilities.
    - (ix) Communication utilities offices.
    - (x) Construction contractors, contractors' services, utility services (equipment and supply yards for contractors and utility providers), and building services (cleaning, maintenance, security, landscaping, etc.).
    - (xi) Eating and drinking establishments.
    - (xii) Lumber yards.
    - (xiii) Manufacture, processing, treatment, storage, fabrication, assembly or packaging of any product from natural or synthetic materials.
    - (xiv) Rail terminals and intermodal truck/rail storage and shipping facilities.
    - (xv) Repair and storage facilities for equipment, including heavy equipment, farm equipment, marine equipment, boats, airplanes, automobiles, trucks, and recreational vehicles.
    - (xvi) Research, development and testing facilities.
    - (xvii) Sale, rental and repair of new and used industrial and farm machinery and equipment.
    - (xviii) Security services/armored car depots and services.
    - (xix) Utility services offices.
    - (xx) Vocational educational and training facilities.
    - (xxi) Warehousing, distribution and storage facilities.
    - (xxii) Wholesale businesses.

- (b) Accessory uses.
  - (i) Electrical generating plants producing less than 50 megawatts of electricity and electrical substations and gasworks.
  - (ii) Incidental retail sales of products manufactured, processed, distributed, produced, or assembled on-site; provided, that the building area allocated to retail sales of products distributed on-site must not be greater than 10% of the gross floor area of the building occupied by the distribution facility and in no event may said retail sale area be greater than 2,000 square feet of gross floor area.
  - (iii) Offices.
  - (iv) Recreational facilities primarily serving facilities and employees in the Bayview Ridge Subarea.
- (c) Administrative special uses. Reserved.
- (d) Hearing Examiner special uses.
  - (i) Adult entertainment.
  - (ii) On-site hazardous waste treatment and storage facilities that are an accessory use to an otherwise permitted use on the site, provided such facilities are greater than 500 feet from the nearest residence and comply with the State Hazardous Waste Siting Standards and County and State Environmental Policy Act requirements and the Clean Water Act.
- (e) The following additional Hearing Examiner special uses are allowed if the Hearing Examiner finds that the proposed special use on-site operations do not pose any demonstrable threat of contamination to adjacent AG-NRL designated lands; that all other applicable local, State and Federal regulations regarding environmental disturbance are met; and that permanent land disposal of hazardous waste, oil refinery, mineral smelting and other similar operations are not allowed.
  - (i) Hazardous waste treatment and storage facilities that are a principal use of the property if such facilities comply with the State Hazardous Waste Siting standards and County and State Environmental Policy Act and Clean Water Act requirements. No treatment or storage of hazardous materials is permitted within 500 feet of the nearest residence.
  - (ii) Solid waste processing, recycling, and transfer facilities.

(3) Dimensional Standards.

- (a) Setbacks.
  - (i) Interior Side: 50 ft, except zero if adjacent to other commercial/industrial zoning.
  - (ii) Rear: 50 ft, except zero if adjacent to other commercial/industrial zoning.

(4) Additional Requirements.

- (a) Landscaping must be provided as required by Chapter 14.25 SCC.
- (b) All improvements must conform to applicable Federal regulations concerning dimensional restriction on air operations including height restrictions and required setbacks from air operations areas.

**14.15.500 Bayview Ridge Residential (BRR)**

- (1) Purpose. The purpose of this district is to maintain an urban residential community that continues to reflect a high quality of life and to implement the Subarea Plan policies.
- (2) Allowed uses. In addition to the uses in SCC 14.15.020, the following uses are allowed in this zone:

- (a) Permitted uses.
  - (i) Agricultural uses, on an interim basis until residential development.
  - (ii) Multifamily dwellings, including apartments, condominiums, duplexes, and townhouses.

(3) Dimensional Standards.

- (a) Setbacks.
  - (i) Primary structure.

(A) Front:

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

- (B) Setback for attached garages. New garages must be set back from house front a minimum of five feet unless the garage door opening is located to the side or rear of the structure, or alley-loaded.

- (C) Interior Side: 15 ft total, minimum of 5 feet on each side.

- (ii) Accessory structure.

- (A) Interior Side: 5 ft, but a 3-ft setback is permitted from the side and rear lot lines when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line, providing that the structure is 1,000 square feet or less in size and 16 feet or less in height. A side setback of 20 feet is required for all accessory buildings when the side property line is adjacent to a street right-of-way.
- (B) Rear: 20 ft, but a 3-ft setback is permitted from the side and rear lot lines when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line, providing that the structure is 1,000 square feet or less in size and 16 feet or less in height.

- (b) Density.

- (i) Construction of a single-family dwelling on an existing legal lot is allowed with no minimum density.
- (ii) Land divisions must achieve a net density (excluding rights-of-way, trails, and parks) of at least four and no more than six units per acre, except as constrained by the Airport Environs Overlay zone.

(4) Manufactured Housing in BR-R Zone. Manufactured housing units in the BR-R zone, that are not located within a sales lot, must meet the following requirements:

- (a) Be constructed after June 15, 1976, in accordance with State and Federal requirements for manufactured homes;
- (b) Have at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;
- (c) Be originally constructed with, and currently possess, a composition or wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch;
- (d) Have exterior siding similar in appearance to siding materials commonly used on conventional site-built single-family residences;
- (e) Be set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground must be enclosed by concrete or an approved concrete product which can be either load-bearing or decorative; and

- (f) Be thermally equivalent to the State Energy Code.

## Chapter 14.16 Municipal UGA Zones and Uses

### 14.16.010 Applicability

- (1) This chapter applies to the following zones:
- (a) Anacortes UGA Urban Development District (A-UD);
  - (b) Burlington UGA Urban Development District (B-UD);
  - (c) La Conner UGA Urban Development District (LC-UD);
  - (d) Hamilton Urban Reserve (H-URv);
  - (e) Mount Vernon UGA Urban Development District (MV-UD);
  - (f) Swinomish UGA Residential District (R);
  - (g) Urban Reserve Commercial-Industrial (URC-I);
  - (h) Urban Reserve Public—Open Space (URP-OS);
  - (i) Urban Reserve Residential (URR).

### 14.16.020 Allowed Uses

- (1) The uses shown in the table below are allowed in the specified zones. For development standards for these uses, see the use section in Chapter 14.18 SCC.

**Table 14.16.400-1 Allowed Uses in the Municipal UGA Zones**

	H-URv	R	URC-I	URP-OS	URR
<b>Residential Uses</b>					
Single-family residence	P	P			P
Accessory Dwelling Unit	P	P			P
Co-housing as part of a CaRD	HE				
Co-living housing					P
Duplex		P			
Loft living quarters			P		
Caretaker dwelling unit				P	
Owner operator/caretaker quarters			AC		
Manufactured or mobile home park					HE
Permanent supportive housing					P
Residential accessory use	P				P
Temporary manufactured home	P				P
<b>Commercial/Retail Uses</b>					
Animal clinic/hospital			AD		
Art gallery/studio			P		
Asphalt/concrete batching or recycling, temporary	HE				
Bed and breakfast	AD	HE			AD
Business/professional office			P		
Display gardens					HE
Family day care provider	P	P	P		P

	H-URv	R	URC-I	URP-OS	URR
Group care facility		AD	HE	HE	HE
Group care facility, adult		AD			HE
Home-Based Business 1	P	P			P
Home-Based Business 2	AD	AD			AD
Home-Based Business 3	HE	HE			HE
Inpatient substance abuse and mental health facilities				HE	
Institutional camp/retreat				HE	
Kennel, boarding			AD		
Kennel, day-use		HE	P		HE
Kennel, limited		HE	AD		HE
Marijuana production/processing facility			HE		
Marijuana retail facility			AD		
Marina, ≤ 20 slips				HE	
Marina, primitive		HE			
Mini-storage			P		
Restaurant			P		
Retail and service business, large			P		
Retail and service business, small			P		
Small-scale production or manufacture			P		
Temporary events	AD		P	AD	AD
Vehicle repair garage			P		
<b>Community/Public Uses</b>					
Cemetery					HE
Church			HE		HE
Community club/grange hall			P		HE
Historic site open to the public	P		P	P	HE
Interpretive/information center				P	
Museum				P	
Pre-school		HE	P		HE
<b>Natural Resource Uses</b>					
Agriculture	P			P	
Agricultural accessory use	P			P	
Agricultural processing facility	P				
Aquaculture	P				
Farm-based business	P				
Forestry	P			P	
Forestry-based business	HE			P	
Habitat enhancement/restoration project	P	P	P		
Natural resource support services			P		
Natural resources training/research facility				AD	
Nursey/greenhouse, retail	AD		P		HE
Nursery/greenhouse, wholesale	AD		P		HE
Seasonal roadside stand ≤ 300 sf	P			AD	AD
Seasonal roadside stand > 300 sf and ≤ 2,000 sf	AD				HE
Seasonal roadside stand > 2,000 sf					HE

	H-URv	R	URC-I	URP-OS	URR
<b>Park/Recreational Uses</b>					
Active recreation facility			AD	HE	HE
Campground, developed		HE		HE	
Campground, primitive	P	HE		AD	
Golf course		HE		HE	
Outdoor recreational facilities				AD	
Park, community		HE		P	HE
Park, recreation open space				P	
Park, regional				P	HE
Park, specialized recreational area			AD	P	HE
Racetrack, indoor			AD		HE
Regional equestrian events center				HE	
Stables and riding club	AD			AD	
Trail	AD			P	AD
Trailhead, primary and secondary	AD			P	AD
<b>Storage Uses</b>					
Indoor or outdoor storage facilities			P		
Vehicle storage facility			HE		
<b>Transportation Uses</b>					
Vehicle charging station			P	AC	
Vehicle fueling station			P		
<b>Utility Uses</b>					
Recycling drop-box facility	AC	AC	P		
Water diversion structure				AD	

## 14.16.030 Dimensional Standards

**Table 14.16.030-1 Dimensional Standards in the Municipal UGA Zones**

	H-URv	R	URC-I	URP-OS	URR
<b>Lot Dimensions</b>					
Minimum lot size (ac)	40	*	5	5	5
Minimum lot width (ft)	400	75	-	-	150
<b>Lot Coverage</b>					
Maximum lot coverage (%)	*	35	50	50	35
<b>Minimum Setbacks (principal use)</b>					
Front (ft)	50	*	35	35	20
Interior Side (ft)	50	*	15 <sup>1</sup>	*	8
Rear (ft)	50	25	20 <sup>1</sup>	*	10
<b>Minimum Setbacks (accessory use)</b>					
Front (ft)	50	35	20	35	25
Interior Side (ft)	50	8	15 <sup>1</sup>	*	8 <sup>2</sup>
Rear (ft)	50	*	20 <sup>1</sup>	*	10 <sup>2</sup>
<b>Building Size Limits</b>					
Maximum height (ft)	40	40	40	40	40
<b>Density</b>					
Maximum density (primary du per lot)	-	-	-	-	1



Footnotes:

1. When adjacent to other commercially zoned lots, the minimum setback is zero.
2. A 3-foot setback is permitted for nonresidential structures when there is an alley along the rear property line and the structure is 1,000 square feet or less in size and 16 feet or less in height

**14.16.100 Anacortes UGA Urban Development (A-UD)**

- (1) Purpose. The purpose of the Anacortes UGA Urban Development district is to permit development in the unincorporated UGA of the City of Anacortes, including subdivision of property and the issuance of project permits, consistent with the Growth Management Act requirements for provision of urban services by the City of Anacortes. The City of Anacortes has already made adequate provision for urban services, including sewer, within the Anacortes UGA Urban Development district. The city comprehensive plan has also identified the appropriate city land use designation and development regulations that should be applied to those areas upon annexation.
- (2) Permitted Uses. The County must accept an application for, and approve a permit for, a subdivision and/or development of any legal lot located within this UGA Urban Development district, provided the proposed subdivision or development is consistent with the use, lot size and other development standards for the zone that has been identified by the city for the parcel that is the subject of the application.
- (3) Application Review.
  - (a) An application for a short plat or subdivision must follow the procedures and requirements for short plats or subdivisions in SCC Chapter 14.74.
  - (b) An application for development that does not require a short plat or subdivision may be processed as a Type 2 review, pursuant to SCC 14.06.150, unless the proposed use or development requires Hearing Examiner review pursuant to the applicable city regulation, in which case the application must be processed as a Type 3 review, pursuant to SCC 14.06.150.
  - (c) SCC Chapter 14.24 SCC, Critical Areas, and Chapter 16.12 SCC, State Environmental Policy Act, apply in place of any city regulation covering the same topic.

**14.16.200 Burlington UGA Urban Development (B-UD)**

- (1) Purpose. The purpose of the Burlington UGA Urban Development district is to permit development in a portion of the unincorporated UGA of the City of Burlington, including subdivision of property and the issuance of project permits, consistent with the Growth Management Act requirements for provision of urban services by the city of Burlington. The City of Burlington has already made adequate provision for urban services, including sewer, within the portion of the Burlington UGA zoned Burlington Urban Development district. The city comprehensive plan has also identified the appropriate city land use designation and development regulations that should be applied to those areas upon annexation.
- (2) Permitted Uses. The County must accept an application for, and approve a permit for, a subdivision and/or development of any legal lot located within this UGA Urban Development district, provided the proposed subdivision or development is consistent with the use, lot size, and other development standards for the zone that has been identified by the city for the parcel that is the subject of the application.
- (3) Application Review.
  - (a) An application for a short plat or subdivision must follow the procedures and requirements for short plats or subdivisions in SCC Chapter 14.74.
  - (b) An application for development that does not require a short plat or subdivision may be processed as a Type 2 review, pursuant to SCC 14.06.150, unless the proposed use or

development requires Hearing Examiner review pursuant to the applicable city regulation, in which case the application must be processed as a Type 3 review, pursuant to SCC 14.06.150.

- (c) SCC Chapter 14.24, Critical Areas, and Chapter 16.12, State Environmental Policy Act, apply in place of any city regulation covering the same topic.

#### **14.16.300 La Conner UGA Urban Development (LC-UD)**

- (1) Purpose. The purpose of the La Conner UGA Urban Development district is to permit development in the unincorporated UGA of the Town of La Conner, including subdivision of property and the issuance of project permits, consistent with the Growth Management Act requirements for provision of urban services by the Town of La Conner. The Town of La Conner has already made adequate provision for urban services, including sewer, within the La Conner UGA Urban Development district. The town comprehensive plan has also identified the appropriate city land use designation and development regulations that should be applied to those areas upon annexation.
- (2) Permitted Uses. The County must accept an application for, and approve a permit for, a subdivision and/or development of any legal lot located within this UGA Urban Development district, provided the proposed subdivision or development is consistent with the use, lot size, and other development standards for the zone that has been identified by the town for the parcel that is the subject of the application.
- (3) Application Review.
  - (a) An application for a short plat or subdivision must follow the procedures and requirements for short plats or subdivisions in SCC Chapter 14.74.
  - (b) An application for development that does not require a short plat or subdivision may be processed as a Type 2 review, pursuant to SCC 14.06.150, unless the proposed use or development requires Hearing Examiner review pursuant to the applicable city regulation, in which case the application must be processed as a Type 3 review, pursuant to SCC 14.06.150.
  - (c) SCC Chapter 14.24, Critical Areas, and Chapter 16.12, State Environmental Policy Act, apply in place of any city regulation covering the same topic.

#### **14.16.400 Hamilton Urban Reserve (H-URv)**

- (1) Purpose. The purpose of this district is to protect land presently utilized for resource-related purposes on the outer edge of the Hamilton Urban Growth Area from premature land division and development that would preclude efficient transition to urban development. These lands are identified as potential future additions to the urban growth area which will be added to the urban growth area as needed, through amendments to the Skagit County Comprehensive Land Use Map and the Hamilton Subarea Plan. It is also the intent of this district to allow smaller scale resource-related activities to continue to occur until such time as the land is added to an urban growth area as long as those activities do not conflict with future use of the land for urban development.
- (2) Allowed uses. In addition to the uses in SCC 14.16.020, the following uses are allowed in this zone:
  - (a) Permitted uses.
    - (i) Commercial greenhouse operations that are an integral part of a local soil-based commercial agriculture operation.
    - (ii) Individual or multiple farm composting as an incidental agricultural operation to a working farm with no net loss of soil. The composting operation must be managed according to an approved nutrient management plan in conjunction with the local Conservation District and Natural Resources Conservation Service (NRCS) standards and all applicable environmental, solid waste, access and health regulations. Such use must not generate traffic uncommon to a farm operation.

- (iii) Extraction of gravel and rock for road and trail construction and maintenance purposes, and the operation of rock crushers, all providing the material is used on the same owners' property, on three acres or less.
- (iv) On-site sorting, bagging, storage, and similar wholesale processing activities of agricultural products that are predominantly grown on-site or produced principally from the entire commercial farm operation. Such activities must be limited to those which are integrally related to the agricultural production and harvesting process.
- (v) Operation of scaling stations, log dumps and sorting areas, and forest industry residue dumping areas; provided, that any such use within 1,000 feet of any residential use zone, park, or recreation area must be temporary and less than 12 months' duration.
- (vi) Operation of sawmills, chippers, shake and shingle mills, forest industry equipment maintenance buildings, and storage yards; provided, that such uses are temporary and are located on the property for no longer than 12 months' duration.
- (vii) Water diversion structures and impoundments related to resource management and on-site wetland restoration/enhancement projects.

(b) Hearing Examiner uses.

- (i) Extraction of gravel and rock for road and trail construction and maintenance purposes, and the operation of rock crushers, all providing the material is used on the same owners' property, on more than 3 acres.
- (ii) Impoundments for public drinking water; provided, that analysis determines a need that cannot be otherwise met and where no other viable site is available.

(3) Dimensional Standards.

(a) Maximum lot coverage.

- (i) For greenhouses, the maximum lot coverage is 35%.
- (ii) For all other uses, the maximum lot coverage is 10% or 10,000 sf, whichever is greater.

#### **14.16.500 Mount Vernon UGA Urban Development (MV-UD)**

- (1) Purpose. The purpose of the Mount Vernon UGA Urban Development district is to permit development in a portion of the unincorporated UGA of the city of Mount Vernon, including subdivision of property and the issuance of project permits, consistent with the Growth Management Act requirements for provision of urban services by the city of Mount Vernon. The city of Mount Vernon has already made adequate provision for urban services, including sewer, within the Mount Vernon UGA Urban Development district shown on Attachment 2 to the ordinance codified in this Section. The city comprehensive plan has also identified the appropriate city land use designation and development regulations that should be applied to those areas upon annexation.
- (2) Permitted Uses. The County must accept an application for, and approve a permit for a subdivision and/or development of any legal lot located within this UGA Urban Development district, provided the proposed subdivision or development is consistent with the use, lot size and other development standards for the zone that has been identified by the city for the parcel that is the subject of the application.
- (3) Application Review.
  - (a) An application for a short plat or subdivision must follow the procedures and requirements for short plats or subdivisions in SCC Chapter 14.74.
  - (b) An application for development that does not require a short plat or subdivision may be processed as a Type 2 review, pursuant to SCC 14.06.150, unless the proposed use or

development requires Hearing Examiner review pursuant to the applicable city regulation, in which case the application must be processed as a Type 3 review, pursuant to SCC 14.06.150.

- (c) SCC Chapter 14.24, Critical Areas, and Chapter 16.12, State Environmental Policy Act, apply in place of any city regulation covering the same topic.

#### **14.16.600 Swinomish UGA Residential (R)**

- (1) Purpose. The purpose of this zone is to provide for and protect privately owned fee simple land located within the Swinomish Urban Growth Area for development. The densities allowed in this zone are designed to meet contemporary building and living standards for single-family dwellings and other related uses.

- (2) Allowed Uses. In addition to the uses in SCC 14.16.020, the following uses are allowed in this zone:

(a) Accessory Uses.

- (i) Accessory buildings and structures, provided they are within the required setbacks and they are at least 10 feet from each other and the main building if detached, that they are no more than 1 story in height, and that they do not occupy more than 50% of the rear yard.
- (ii) Buildings used for the housing of animals or fowl. Such buildings must not exceed 36 square feet in floor area when located on a lot of less than 1/2 acre. The building must not be located closer than 25 feet to a property line, except by mutual recorded agreement of adjacent property owners.

- (3) Dimensional Standards.

(a) Minimum Lot Size. The minimum lot size is determined by the following table:

Land Use	Sewer	Minimum Lot Size
Single-Family Residence	Private	12,500 sf
Single-Family Residence	Public	8,400 sf
Duplex	Either	13,000 sf

(b) Setbacks

- (i) Primary structures.

(A) Front: 35 feet, 25 feet on minor access and dead-end streets.

- (ii) Accessory Structures.

(A) Interior Side: 8 feet, a 3-foot setback is permitted for nonresidential structures when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line; provided, that the structure is 1,000 square feet or less in size and 16 feet or less in height.

(B) Rear yard: 25 feet, a 3-foot setback is permitted for nonresidential structures when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line; provided, that the structure is 1,000 square feet or less in size and 16 feet or less in height.

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

**Table 14.16.600-1 Allowable Duplex Lots**

Number of Lots	Number of Duplex Lots
Less than 8 lots	0 Duplex Lots
8 — 15 lots	1 Duplex Lot
16 — 25 lots	2 Duplex Lots
26 — 35 lots	3 Duplex Lots
35 lots and over	As determined by the Planning Director in accordance with the same formula.

**14.16.700 Urban Reserve Commercial-Industrial (URC-I)**

- (1) Purpose.** The purpose of the Urban Reserve Commercial-Industrial district is to allow for limited commercial, industrial, or other non-residential uses of the land in certain unincorporated UGAs at lower than urban intensities and without requiring the provision of urban services and/or utilities. The Urban Reserve Commercial-Industrial district is also intended to reserve the remainder of the land for more intensive urban commercial/industrial development in the future. More intensive development than that allowed under the Urban Reserve Commercial-Industrial district will require annexation to the appropriate jurisdiction or will require approval of an Urban Reserve Development Permit.
- (2) Allowed Uses.** In addition to the uses in SCC 14.16.020, the following uses are allowed in this zone:
- (a) Permitted uses.
    - (i) Outside sales of new and used vehicles, boats and mobile homes or equipment.
    - (ii) Production, repair, and servicing of specialized tools and equipment.
    - (iii) Warehouses and distribution and wholesale uses.
- (3) Dimensional Standards.** The dimensional standards in this section and Table 14.16.030-1 apply unless the project receives an Urban Reserve Development Permit, in which case the development standards, design standards, landscaping, parking, and signage standards from the applicable city code in whose UGA the project is located apply.
- (a) Minimum lot size: No variances to this minimum lot size requirement may be granted.
  - (b) Maximum Size Limits. Total gross building area of primary and accessory uses must not exceed 5,000 square feet of new construction per parcel, calculated on a cumulative basis after August 26, 2003.
- (4) Additional Requirements.**
- (a) Pedestrian Circulation. Pedestrian walkways must be provided between parking areas and the uses served by that parking.
- (5) Infrastructure Development Standards.** Subdivisions of land, building permits, and land use actions which are allowed by this Section must meet those development standards for infrastructure established by Chapter 14.74 SCC and applicable generally to land outside the unincorporated UGAs and the following additional requirements:
- (a) If public water service is available, as a condition of any development approval in the unincorporated UGA, the property owner must obtain a certificate of water availability for the proposed use from a public water utility, and connect to the water system. Fire flow requirements must be as specified in Chapter 14.28 SCC, Appendix A (Minimum Fire Flow Design Standards).
  - (b) Any short plat, subdivision, binding site plan, or other subdivision of land to the rural densities or sizes permitted in this Section without obtaining an Urban Reserve Development Permit must contain a notation on the face of the short plat, subdivision, binding site plan, or other subdivision of land that identifies an area within the parcel where structures are not permitted to accommodate future rights-

of-way for urban transportation infrastructure and utilities that will be required when the property is further subdivided and developed at urban densities and land uses.

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

#### **14.16.800 Urban Reserve Public—Open Space (URP-OS)**

- (1) **Purpose.** The purpose of the Urban Reserve Public-Open Space district is to allow for the dedication or use of land for public purposes, open space, recreation, the development of recreational facilities, the enjoyment of scenic amenities, and the protection of environmentally sensitive areas in certain unincorporated UGAs. More intensive uses will require annexation to the appropriate jurisdiction, or approval of an Urban Reserve Development Permit.
- (2) **Allowed Uses.** In addition to the uses in SCC 14.16.020, the following uses are allowed in this zone:
  - (a) Permitted uses. Reserved.
  - (b) Administrative special uses.
    - (i) Expansion of existing inpatient substance abuse and mental health facilities.
- (3) **Dimensional Standards.** The dimensional standards in this section and Table 14.13.030-1 apply unless the project receives an Urban Reserve Development Permit, in which case the development

standards, design standards, landscaping, parking, and signage standards from the applicable city code in whose UGA the project is located apply.

(a) Setbacks

(i) Interior Side:

(A) Zero on interior lot lines adjacent to other public designations.

(B) 15 ft on lot lines adjacent to other land use designations

(ii) Rear:

(A) Zero on interior lot lines adjacent to other public designations.

(B) 20 ft on lot lines adjacent to other land use designations

(b) Minimum lot size. Minimum lot size: 5 acres or 1/128th of section; unless the owner has obtained an urban reserve development permit, pursuant to SCC 14.16.910. No variances to this minimum lot size requirement may be granted. Existing lots smaller than this minimum lot size shall be subject to the provisions of Chapter 14.70 SCC.

(c) Maximum Size Limits. Total gross building area of primary and accessory uses shall not exceed 5,000 square feet of new construction per parcel, calculated on a cumulative basis after August 26, 2003, unless the owner has obtained an urban reserve development permit.

(4) Infrastructure Development Standards. Land divisions, building permits, and land use actions allowed by this Section must comply with infrastructure development standards in this title and applicable generally to land outside the unincorporated UGAs and the following additional requirements:

(a) If public water service is available, as a condition of any development approval in the unincorporated UGA, the property owner must obtain a certificate of water availability for the proposed use from a public water utility, and connect to the water system. Fire flow requirements are as specified in Chapter 14.28 SCC, Appendix A (Minimum Fire Flow Design Standards).

(b) Any land division to the rural densities and sizes permitted for this zone without obtaining an Urban Reserve Development Permit must contain a notation on the face of the short plat, subdivision, or binding site plan that identifies an area within the parcel where structures are not permitted to accommodate future rights-of-way for urban transportation infrastructure and utilities that will be required when the property is further subdivided and developed at urban densities and land uses.

(i) This area of restriction may be modified administratively, at the request of the property owner, without requiring an amendment to the short plat, subdivision, binding site plan, or other subdivision of land.

(ii) The County must consult with the city in whose UGA the property is located and base its determination of the appropriate location and width of these reserve areas on the development regulations and planning documents of the city in whose UGA the property is located.

(iii) The conditions of the short plat, subdivision, binding site plan, or other subdivision of land must specify that when the property is further subdivided for urban densities and land uses and when dedication of rights-of-way for roads and utilities is completed as part of that future subdivision and urban development approval, the permanent structures restriction contained in the initial short plat, subdivision, binding site plan, or other subdivision of land expires and must be replaced with that future dedication.

(c) Nothing in this Section precludes Skagit County from requiring that additional infrastructure, including transportation, fire, police, and parks, be provided as a condition of a specific development on a case-by-case basis, pursuant to SEPA, special studies, or other requirements and standards, under the process for approval provided in Skagit County development

regulations for all developments. Skagit County must consider applicable municipalities' capital facilities plans for public facilities and services, together with all relevant facts, in establishing the conditions for approval, as provided by County ordinance.

- (d) **Maximum Wastewater Output.** The proposed use or expansion added since August 26, 2003, must generate an increase in wastewater output no greater than that generated by an equivalent single-family residential unit (ERU). For purposes of this Subsection, an ERU is defined as a structure or facility that does not exceed 20 fixture units under the Uniform Plumbing Code as adopted by Skagit County. The County must not permit a nonresidential development that exceeds 20 fixture units, unless the proposed use and associated wastewater generation is approved pursuant to an Urban Reserve Development Permit.
- (e) In accordance with the Growth Management Act and the Skagit County Comprehensive Plan, cities are the units of local government most able to provide urban services, including services necessary to treat wastewater in this district. In the event that off-site treatment of wastewater is desired, such treatment services must be provided by the appropriate city government.
- (f) **Pedestrian Circulation.** Pedestrian walkways must be provided between parking areas and the uses served by that parking.

#### **14.16.900 Urban Reserve Residential (URR).**

- (1) **Purpose.** The purpose of the Urban Reserve Residential district is to allow for the residential use of land in certain unincorporated UGAs at lower than urban densities and without requiring the provision of urban services and/or utilities. It is also intended to reserve the remainder of the land for more intensive urban residential development in the future. More intensive development than that allowed under the Urban Reserve Residential district requires annexation to the appropriate jurisdiction or requires approval of an Urban Reserve Development Permit.
- (2) **Dimensional Standards.** The dimensional standards in this section and Table 14.16.030-1 apply unless the project receives an Urban Reserve Development Permit, in which case the development standards, design standards, landscaping, parking, and signage standards from the applicable city code in whose UGA the project is located apply, and the only
  - (a) **Minimum lot width.** If subject of an Urban Reserve Development Permit, the only minimum requirement is that it be sufficient to provide adequate access and utilities.
  - (b) **Minimum lot size.** No variances to this minimum lot size requirement may be granted.
- (3) **Infrastructure Development Standards.** Subdivisions of land, building permits, and land use actions which are allowed by this Section must meet those development standards for infrastructure established by Chapter 14.18 SCC and applicable generally to land outside the unincorporated UGAs and the following additional requirements:
  - (a) In accordance with the Growth Management Act and the Skagit County Comprehensive Plan, cities are the units of local government most able to provide urban services, including services necessary to treat wastewater in this district. In the event that off-site treatment of wastewater is desired, such treatment services must be provided by the appropriate city government.
  - (b) If public water service is available, as a condition of any development approval in the unincorporated UGA, the property owner must obtain a certificate of water availability for the proposed use from a public water utility, and connect to the water system. Fire flow requirements must be as specified in Chapter 14.28 SCC, Appendix A (Minimum Fire Flow Design Standards).
  - (c) Any short plat or other subdivision of land to the rural densities permitted in this Section without obtaining an Urban Reserve Development Permit must contain a notation on the face of the short plat or subdivision that identifies an area within the parcel where structures are not permitted to accommodate future rights-of-way for urban transportation infrastructure and utilities that will be required when the property is further subdivided and developed at urban densities and land uses.



- (i) This area of restriction may be modified administratively, at the request of the property owner, without requiring an amendment to the short plat or other subdivision of land.
  - (ii) The County must consult with the city in whose UGA the property is located and base its determination of the appropriate location and width of these reserve areas on the development regulations and planning documents of the city in whose UGA the property is located.
  - (iii) The note on the face of the short plat or other subdivision of land must specify that when the property is further subdivided for urban densities and land uses and when dedication of rights-of-way for roads and utilities is completed as part of that future subdivision and urban development approval, the permanent structures restriction contained in the initial short plat, subdivision, binding site plan, or other subdivision of land expires and must be replaced with that future dedication.
- (d) Nothing in this Section precludes Skagit County from requiring that additional infrastructure, including transportation, fire, police, and parks, be provided as a condition of a specific development on a case-by-case basis, pursuant to SEPA, special studies, or other requirements and standards, under the process for approval provided in Skagit County development regulations for all developments. Skagit County must consider applicable municipalities' capital facilities plans for public facilities and services, together with all relevant facts, in establishing the conditions for approval, as provided by County ordinance.
- (e) **Maximum Wastewater Output.** For any proposed nonresidential use or expansion added since August 26, 2003, the proposed use must generate an increase in wastewater output no greater than that generated by an equivalent single-family residential unit (ERU). For purposes of this Subsection, an ERU is defined as a structure or facility that does not exceed 20 fixture units under the Uniform Plumbing Code as adopted by Skagit County. The County must not permit a nonresidential development that exceeds 20 fixture units, unless the proposed use and associated wastewater generation is approved pursuant to an Urban Reserve Development Permit.
- (4) **Mobile Homes and Manufactured Housing in URR Zone.** Mobile homes and manufactured housing units in the URR zone, that are not located within a sales lot, must meet the requirements for a "designated manufactured home" set forth in RCW 35.63.160(2) and 35A.63.160(2), set forth in Subsections (a) through (d) of this Section and must further comply with the additional requirements authorized by RCW 36.01.255, set forth in Subsections (e) and (f) of this Section.
- (a) Be constructed after June 15, 1976, in accordance with State and Federal requirements for manufactured homes or mobile homes;
  - (b) Have at least 2 fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;
  - (c) Be originally constructed with, and currently possess, a composition or wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch;
  - (d) Have exterior siding similar in appearance to siding materials commonly used on conventional site-built International Building Codes single-family residences;
  - (e) Be set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground must be enclosed by concrete or an approved concrete product which can be either load-bearing or decorative; and
  - (f) Be thermally equivalent to the State Energy Code.

## Chapter 14.18 Use Standards

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Part I. Residential Uses

14.18.102 Single-family residence

- (1)
**Definition.**
Reserved.

(2)
**Limitations**

(a) A single-family residence must be detached and constitute only a single dwelling unit (except as provided for with an attached ADU).

(b) No more than one primary dwelling unit is permitted on any legal lot.

(c) A recreational vehicle does not qualify as a dwelling unit.

(3)
**Ag-NRL restrictions.**
In the Ag-NRL zone:

(a) A single-family residence is allowed only when accessory to an agricultural use. No conversion of agricultural land is allowed for accessory uses.

(b) An applicant for a single-family residence must:

(i) be engaged in the ongoing commercial production of crops or livestock;

(ii) submit a signed affidavit verifying that:

(A) the applicant is the owner of the parcel;

(B) the applicant has generated gross income of at least \$100 per acre per year on average over the past three years through the applicant’s use of the subject parcel for the commercial production of crops or livestock on the subject parcel;

(C) that the proposed single-family residence will be used only as accessory to the ongoing commercial production of crops or livestock.

(iii) record a title notice for the parcel, on forms provided by the Department, that the single-family residence was permitted only as an accessory to the principal agricultural use.

(c) An applicant seeking to rebuild or remodel an existing residence within an existing converted footprint is not required to comply with subsection (3)(b).

(4)
**IF-NRL restrictions.**
In the IF-NRL zone, a single-family residence is allowed only when all of the following criteria are met:

(a) The residence is located within 200 feet of an existing County road or State highway;

(b) The residence is located within the existing, as of July 26, 2005, boundaries of a fire district;

(c) The residence is an accessory use to timber resource management activities;
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- (d) Ingress and egress for fire vehicles meets the standards of the International Fire Code Section 503, as amended;
- (e) A 200-foot slash abatement is maintained around the exterior portion of the dwelling;
- (f) A safety zone cleared of flammable vegetation is maintained 30 feet from any portion of the exterior of any structure on level ground and 100 feet downhill on sloped ground;
- (g) The dwelling or any accessory structure is constructed of a noncombustible roofing material; and
- (h) There is availability of 300 gallons of water on-site, 400 feet of one-inch fire hose with nozzle, and an internal combustion engine powered pump.

#### **14.18.104 Residential Accessory Use**

- (1) A residential accessory use is an accessory use to a residence, including, but not limited to, the following:
  - (a) fallout/bomb shelter;
  - (b) impoundment under 1-acre feet in volume;
  - (c) keeping household pets;
  - (d) private pool, dock, boathouse, boat launch, pier;
  - (e) antenna for private telecommunications systems;
  - (f) storage of on-site yard maintenance equipment;
  - (g) agriculture that is secondary to the residential use and allows no employees;
  - (h) community water and septic systems and stormwater detention ponds built as part of a land division;
  - (i) private greenhouses;
  - (j) miscellaneous residential support buildings, such as a storage shed, workshop, garage, barn;
  - (k) no more than 1 commercial vehicle that is 1 ton or more in size.
- (2) **Ag-NRL restrictions.** In the Ag-NRL zone, a Residential Accessory Use is allowed only when accessory to an agricultural use. No conversion of agricultural land is allowed for accessory uses..
- (3) **IF-NRL restrictions.** In the IF-NRL zone, a Residential Accessory Use is allowed only when it meets the restrictive criteria for a single-family residence in that zone.

#### **14.18.106 Accessory dwelling unit**

- (1) **Definition.** Separate living quarters located on the same lot and either detached from or included within a primary residence.
- (2) **Requirements in all zones.**
  - (a) **Size and Scale.** The square footage of a newly constructed accessory dwelling unit may not exceed 1,200 square feet, excluding any garage area.
  - (b) **Location.** The accessory dwelling unit may be attached to, included within the principal unit of the single-family dwelling, or located in a detached structure. All requirements of SCC Title 15 regarding fire separation must be met.
  - (c) **Parking.** Three off-street parking spaces must be provided for the combination of the main and accessory dwelling units.
  - (d) No more than one family is allowed to occupy an accessory dwelling unit.
  - (e) An accessory dwelling unit must contain provisions for eating, sleeping, cooking, and sanitation.

- (f) Any accessory dwelling unit included within a primary residence may not have interconnected interior spaces.
- (g) Non-qualifying uses.
  - (i) A recreational vehicle is not allowed as an accessory dwelling unit.
  - (ii) A park model trailer is not allowed as an accessory dwelling unit.

**(3) Additional requirements in Urban Growth Areas.**

- (a) Two accessory dwelling units are permitted as accessory to a single-family residence.
- (b) Connection to a public sewer system is required for two accessory dwelling units. One accessory dwelling unit is permitted when connected to an on-site sewage system.

**(4) Additional requirements outside Urban Growth Areas.**

- (a) One accessory dwelling unit is permitted as accessory to a single-family residence.
- (b) Subdivision. Accessory dwelling units may not be subdivided or otherwise segregated in ownership from the principal unit of the single-family dwelling, unless allowed by the zoning.
- (c) Location. Detached ADUs may be no more than 150-feet from the primary dwelling unit.
- (d) Entrances. The principal unit of the single-family dwelling containing the accessory dwelling unit may have only 1 obvious entrance visible to the street except where more than 1 entrance existed on or before adoption of the ordinance codified in this Section.

**14.18.110 Caretaker dwelling unit.**

- (1) Definition. Reserved.
- (2) In the URP-OS zone, the use is allowed only for an on-site resident park manager accessory to the primary public use.

**14.18.112 Co-housing as part of a CaRD**

- (1) Definition. a type of residential community characterized by either attached or detached single-family dwelling units which may or may not be located on separate lots, and includes a common building, which may contain a large dining room, kitchen, lounges, meeting rooms, recreation and laundry facilities, storage, guest rooms, library, workshops, and/or childcare, to serve only the co-housing community.
- (2) Allowed only as part of a CaRD land division.

**14.18.114 Co-living housing**

- (1) Definition. A residential building with sleeping units that are independently rented, are lockable, and provide living and sleeping space, with shared kitchen facilities used by residents (consistent with RCW 36.70A.535). Bunkhouses, residential suites, and congregate housing are examples of co-living housing types.
- (2) For the purposes of this section, a “sleeping unit” means an independently lockable rented or owned unit that provides living and sleeping space. A sleeping unit in co-living housing equals one-quarter of a one dwelling unit for the purpose of complying with density limits.

**14.18.120 Emergency housing**

- (1) Definition. A shelter supportive service that provides temporary indoor accommodations to address basic health, food, clothing and personal hygiene needs.

#### **14.18.122 Emergency shelter**

- (1) Definition. a facility providing temporary shelter, that can include day only access and warming centers that does not provide overnight accommodations.

#### **14.18.124 Employee housing**

Reserved.

#### **14.18.130 Loft living quarters**

- (1) Definition. One or more dwelling units above a commercial use.
- (2) Restrictions.
  - (a) In the RVC zone, loft living quarters are limited to a single dwelling unit above each storefront.
  - (b) In the RVC zone in Alger, loft living quarters are limited to four units, provided gross floor area is no more than 75% of the primary use gross floor area. The size of each unit must meet, at a minimum, the definition of efficiency dwelling unit.

#### **14.18.140 Manufactured or mobile home park**

- (1) Definition. A site containing spaces with required improvements and utilities that are leased for long-term placement of manufactured houses and that may include services and facilities for the residents.
- (2) In the RVR zone, a manufactured or mobile home park:
  - (a) requires connection to public water service;
  - (b) requires connection to a public sewer system;
  - (c) is not permitted in a special flood hazard area.

#### **14.18.142 Middle housing**

- (1) Definition. A residential building that contains contain two or more attached, stacked, or clustered homes, excluding a single-family residence with one or more attached ADUs.
- (2) Types of middle housing.
  - (a) Duplex: a building containing two dwelling units separated from each other by an unpierced wall extending from ground to roof.
  - (b) Triplex: a building containing three dwelling units.
  - (c) Fourplex: a building containing four dwelling units.
  - (d) Townhouse: a one-family dwelling in a row of at least 3 such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by 1 or more vertical common fire resistant walls. Townhouses may be located on a separate (fee simple) lot or several units may be located on a common parcel.
- (3) The number of dwelling units in a given multifamily residential building is limited to the number listed in the allowed use table for the zone.
- (4) In the RVR zone, a duplex, triplex, or fourplex:
  - (a) requires connection to public water service;
  - (b) requires connection to a public sewer system;
  - (c) is not permitted in a special flood hazard area;

- (d) may not exceed 1,200 square feet per dwelling unit, excluding any garage area.

#### **14.18.150 Owner operator/caretaker quarters**

- (1) Definition. one dwelling unit, accessory to a primary use, for persons who live on premises for the necessary purposes of managing, operating, maintaining, or guarding a primary nonresidential use.
- (2) Quarters may be occupied by either the owner of the principal use and his/her immediate family, or employees of the owner as well as their immediate family members.
- (3) In the RB zone, the use must be accessory to a business use.

#### **14.18.160 Permanent supportive housing**

- (1) Definition. Subsidized leased housing, utilizing admissions practices with lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing and which is paired with on-site or off-site voluntary services.

#### **14.18.170 Seasonal worker housing**

- (1) Definition. Manufactured homes grouped together to provide temporary housing for seasonal workers.
- (2) No more than 10 manufactured homes are permitted under this use per property.
- (3) The homes may be occupied no longer than the growing season.

#### **14.18.180 Temporary manufactured home**

- (1) Definition. the temporary placement of 1 manufactured home on a parcel with an existing residence to accommodate the housing needs of disabled or elderly family members or to house 1 farm worker and his/her immediate family. Documentation of the need for nearby care or that the nature of the employee's work requires said employee to be immediately available to the job site is required by a doctor and/or physician or by the farm owner/operator. This second temporary dwelling unit must be removed from the property when the family member or farm employee is no longer using the manufactured home.
- (2) Types. A temporary manufactured home use must be for one of the following purposes:
  - (a) Disabled or Elderly Family Members;
  - (b) Accessory to Farm Dwelling Unit.
- (3) Temporary Manufactured Home—Disabled or Elderly Family Members.
  - (a) Definition. A temporary manufactured home to accommodate the housing needs of disabled or elderly family members:
  - (b) Documentation of the need for nearby care is required from a doctor and/or physician.
  - (c) Title Notice. The applicant must record a title notice with the County Auditor that contains the following language:

The above-referenced property contains a temporary manufactured home to accommodate the housing needs of disabled or elderly family member. This second temporary dwelling unit was approved pursuant to the Skagit County Code and must be removed from the property when the family member is no longer using the manufactured home.
- (4) Temporary Manufactured Home—Accessory to Farm Dwelling Unit.
  - (a) Definition. A temporary manufactured home accessory to a farm dwelling unit on property meeting the definition of farmland in RCW 84.34.020 to accommodate agricultural workers and their families employed on the premises, as provided:

- (b) The property must meet the definition of farmland in RCW 84.34.020 (Open Space Taxation).
- (c) The applicant must demonstrate compliance with the temporary worker standards in Washington State Law including Chapters 19.27, 43.22, 43.70, 49.17 and 70.114A RCW.
- (d) Documentation that the nature of the employee's work requires said employee to be immediately available to the job site is required from the farm owner/operator.
- (e) Title Notice. The applicant must record a title notice with the County Auditor that contains the following language:

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

- (5) Limitations in the Ag-NRL zone. In the Ag-NRL zone, temporary manufactured homes may result in no conversion of agricultural land.

#### **14.18.182 Transitional housing**

- (1) Definition. A facility that provides housing and supportive service to facilitate movement of individuals and families experiencing homelessness into permanent housing.

## **Part II. Commercial/Retail Uses**

#### **14.18.210 Animal clinic/hospital**

- (1) Definition. A building for medical or surgical treatment of animals.
- (2) An animal clinic hospital may include overnight animal stays.
- (3) Limitation in the SF-NRL and RRc-NRL zones:
  - (a) Must be accessory to the existing resource base.
  - (b) Any structures must be placed in currently developed areas.
  - (c) No land may be taken out of resource production.

#### **14.18.214 Animal preserve**

- (1) Definition. A preserve for the public viewing of wild animals, either on foot or from the car, and either indoors or outdoors.

#### **14.18.216 Asphalt/concrete batching or recycling**

- (1) Definition. The mixing of asphalt or concrete from the raw ingredients for a discrete project in the vicinity of the batching operation.
- (2) Types.
  - (a) Temporary. No longer than one year.
  - (b) Permanent. All such uses other than a temporary use.
- (3) Limitation in the Ag-NRL, H-URv, RRc-NRL, and SF-NRL zones:
  - (a) This use is allowed only if there is no other viable parcel of non-resource designated land to serve the purpose.

#### **14.18.218 Automobile wrecking**

- (1) Definition. Premises used for the storage and/or sale of used automobile parts, or for the storage, dismantling, or abandonment of junk, automobiles, trailers, machinery or parts thereof.

#### **14.18.220 Bed and breakfast**

- (1) Definition. A dwelling used to provide overnight guest lodging for compensation that usually provides a morning meal. Guest lodging may be in a separate structure from the main dwelling unless otherwise provided.
- (2) Standards. A bed and breakfast use must:
  - (a) be owner-occupied and managed;
  - (b) provide parking on-site and a minimum of 10 feet away from neighboring residences;
  - (c) direct all lighting away from neighboring residences;
  - (d) demonstrate that its impacts will be no more obtrusive than a residence;
  - (e) provide no more than five bedrooms for guest use.
- (3) Limitations in the Ag-NRL zone.
  - (a) The use must be accessory to an actively managed, ongoing agricultural operation.
  - (b) No new structures may be constructed outside of the home for lodging purposes.
- (4) Limitations in the H-URv and RRc-NRL zones.
  - (a) No new structures may be constructed or expanded in building footprint outside of the home for lodging purposes.

#### **14.18.224 Billboard**

- (1) Definition. Reserved.
- (2) Billboards are limited to one per lot.
- (3) See Chapter 14.29 for sign requirements related to billboards.

#### **14.18.226 Business/professional office**

- (1) Definition. Reserved.
- (2) In the NRI zone, this use must be related to natural resource industries.

#### **14.18.230 Car wash**

- (1) Definition. Reserved.
- (2) Limitations in the BR-LI zone.
  - (a) A car wash is permitted only adjacent to Peterson Road.

#### **14.18.234 Commercial boathouse**

- (1) Definition. Any walled or covered structure built onshore or offshore for the wet or dry commercial storage, repair, or building of watercraft or float planes.

#### **14.18.240 Day care center**

- (1) Definition. An establishment providing care for periods less than 24 hours for children, patients, convalescents, invalids, or aged persons.



#### **14.18.244 Display gardens**

- (1) Definition. Horticultural gardens open to the public, including ornamental plants.

#### **14.18.246 Family day care provider**

- (1) Definition. An establishment for group care of nonresident adults or children which is accessory to a single-family residence that is the abode of the person or persons under whose direct care and supervision the clients are placed. Day care consists of both adult day care, and child day care facilities, licensed by the State. A maximum of 12 adults or children in any 24-hour period, including children who reside at home, are permitted.
- (2) Limitations in the Ag-NRL zone:
  - (a) No conversion of resource land is allowed.

#### **14.18.248 Fish hatchery**

Reserved.

#### **14.18.250 Group care facility**

- (1) Definition: an establishment providing full-time care for more than five patients, convalescents, invalids, or aged persons, excluding:
  - (a) adult family homes regulated pursuant to RCW Chapter 70.128;
  - (b) and living quarters for unrelated, handicapped individuals protected under the Federal Fair Housing Amendments Act and RCW 35A.63.240.
- (2) Types.
  - (a) Adult group care facility: an establishment providing full-time care for more than five patients, convalescents, invalids, or aged persons. Such establishment must be licensed by the State of Washington in accordance with current State statutes. Adult family homes regulated pursuant to RCW Chapter 70.128 and living quarters for unrelated, handicapped individuals protected under the Federal Fair Housing Amendments Act and RCW 35A.63.240 are not considered adult group care facilities for purposes of this Title.
  - (b) Group care facility: living quarters for children or adults meeting applicable Federal and State standards that function as a single housekeeping unit and provide supporting services, including but not limited to counseling, rehabilitation, and medical supervision, not exceeding more than 20 residents and staff. If staffed by nonresident staff, each 24 staff hours per day equals 1 full-time residing staff member for purposes of determining number of staff. Adult family homes regulated pursuant to Chapter 70.128 RCW and living quarters for unrelated, handicapped individuals protected under the Federal Fair Housing Amendments Act and RCW 35A.63.240 are not considered a group care facility for purposes of this Title.

#### **14.18.252 Home-Based Business**

- (1) **Definition.** Home-based businesses are home occupations that remain incidental to the use of a residence for general dwelling purposes and are compatible with rural character. Three categories of home-based businesses are defined: Home-Based Business 1, Home-Based Business 2, and Home-Based Business 3.
- (2) **Generally**
  - (a) Home-based businesses established after June 1, 1997, may not be used as a justification for Comprehensive Plan amendment or rezone request.

- (b) The intent of each category of Home-Based Business is to allow such businesses to operate within the limitations of each category. When the business grows beyond those limitations and the conditions included in any county approval, the business must apply for a higher-level or category or relocate to a zone that would permit the activity.

**(3) Home-Based Business 1.** The use must meet the following criteria:

- (a) Is carried out exclusively by a member or members of a family residing in the dwelling unit;
- (b) Is clearly incidental and secondary to the use of the property for dwelling purposes, with the floor area devoted to the home occupation not exceeding 25% of the living area of the dwelling unit (business activity may be conducted in buildings other than the dwelling; provided, that the size of such use does not exceed 25% of the living area of the dwelling unit);
- (c) Has no outside storage, no outside signs of any size or type, nor other exterior indication of the home occupation or variation from the residential character of the property;
- (d) Does not require the installation of heavy equipment, large power tools or power sources not common to a residential dwelling;
- (e) Does not create a level of noise, vibration, smoke, dust, odors, heat or glare beyond that which is common to a residential area; and
- (f) Does not have clients come to the site.

**(4) Home-Based Business 2.** The use must meet the following criteria:

- (a) Is carried out by a member or members of a family residing in the dwelling;
- (b) Is clearly incidental and secondary to the use of the property for dwelling purposes (business activity may be conducted in buildings other than the dwelling; provided, that the size of such use does not exceed 50% of the living area of the dwelling unit);
- (c) Has no outside storage nor other exterior indication of the home occupation or variation from the residential character of the property with the exception of one sign not to exceed four square feet, provided such sign must not be illuminated;
- (d) Does not require the installation of heavy equipment, large power tools or power sources not common to a residential dwelling;
- (e) Does not create a level of electrical interference, line voltage fluctuation, noise, vibration, smoke, dust, odors, heat, glare, traffic and other environmental impacts beyond that which is common to a residential area;
- (f) Does not create a level of parking demand beyond that which is normal to a residential area;
- (g) May have clients come to the site.
- (h) Limitations in the Ag-NRL, IF-NRL, SF-NRL, and RRC-NRL zones: No conversion of resource land is allowed to accommodate the business activity.

**(5) Home-Based Business 3.** The use must meet the following criteria:

- (a) Is carried out by a member or members of a family residing in the dwelling and may include up to three additional employees;
- (b) Is clearly incidental and secondary to the use of the property for dwelling purposes;
- (c) The business activity may be conducted in buildings other than the dwelling; provided, that the size of such building must be consistent with the residential area and such building is properly permitted for the use;

- (d) Has no outside storage nor other exterior indication of the home occupation or variation from the residential character of the property with the exception of one sign not to exceed four square feet, provided such sign must not be illuminated;
- (e) Does not create a level of electrical interference, line voltage fluctuation, noise, vibration, smoke, dust, odors, heat, glare, traffic and other environmental impacts beyond that which is common to a residential area;
- (f) Does not create a level of parking demand beyond that which is normal to a residential area;
- (g) May have clients come to the site.
- (h) Limitations in the Ag-NRL, IF-NRL, SF-NRL, and RRC-NRL zones: No conversion of resource land and no new structures are allowed to accommodate the business activity.

#### **14.18.254 Institutional camp/retreat**

- (1) Definition. An established group camp/retreat maintained for recreation, education, vacation, religious or other similar uses by organized groups that assume supervision of the camp activities.
- (2) Restrictions
  - (a) Camps/retreats must be non-residential in nature and are allowed only temporary overnight stays.
  - (b) Camps/retreats typically include group cooking and eating facilities.

#### **14.18.256 Kennel**

- (1) Definition. Any day-use kennel, limited kennel, or overnight boarding kennel operated as either a hobby or a business. A kennel-type structure does not, by itself, constitute a kennel.
- (2) Types. A kennel can be one of the following kennel types:
  - (a) Day-use kennel: any premises at which one or more dogs, cats, or both are kept during daytime hours for a commercial purpose including but not limited to grooming, training, and/or boarding.
  - (b) Limited kennel: any premises at which one or more dogs, cats, or both are kept overnight for a commercial purpose including but not limited to breeding or selling. A single, incidental litter in a 12-month period is not a commercial purpose.
  - (c) Overnight boarding kennel: any premises at which one or more dogs, cats, or both are kept overnight for the commercial purpose of boarding.

#### **(3) All kennels.**

- (a) Areas used as part of a dog kennel operation must be composed of at least one-half of 1 acre for every 5 dogs (i.e. 2.5 acres of kennel area would be required for 25 dogs).
- (b) Any indoor or outdoor area to be occupied by kennel animals must be located at least 50 feet from any property line. A solid-wood fence or continuous, non-deciduous vegetative barrier is required, each at least 6 feet in height, between any outdoor kennel use area and the subject property lines. Fences and continuous barriers will not be required in cases where kennel use areas are at least 500 feet from all subject property lines.
- (c) Parking for all kennel customers and employees must be fully contained on the subject property and may not include the use of any road right-of-way.
- (d) All lighting must be directed away from neighboring residences or businesses.
- (e) An approved waste disposal plan that complies with Chapter 12.16 SCC is required.
- (f) Kennel animals must be contained on the subject property. Outdoor kennel areas must be constructed with adequate materials and height so as to prevent animal escapement.

- (g) Any outdoor kennel use areas must be configured such that impacts to surrounding properties are minimized. All animals must be contained in enclosed buildings between the hours of 9:00 p.m. and 8:00 a.m. daily.
- (h) Only one kennel, either day-use, limited, or overnight boarding, is allowed on any property at one time.
- (i) An emergency evacuation plan satisfactory to the Department is required.
- (j) An exercise plan satisfactory to the Department is required.
- (k) The Department may refuse issuance of a special use permit, or rescind an approved special use permit for a kennel if:
  - (i) it is in violation of any of the provisions of Chapter 7.02 SCC;
  - (ii) if it is discovered that the applicant or operator has been convicted of animal cruelty as defined in Chapter 16.52 RCW.

**(4) Boarding kennel.** A boarding kennels is also subject to the following criteria:

- (a) An overnight boarding kennel may not exceed 150 dogs or cats on site at any one time.
- (b) No commercial breeding or selling of dogs or cats may occur at an overnight boarding kennel. A single, incidental litter in a 12-month period is not commercial breeding or selling.
- (c) An overnight boarding kennel may have animals kept during daytime and overnight hours and may also include additional related services including but not limited to training, grooming, and daily care.
- (d) Limitations in the RRC-NRL zone:
  - (i) Must be accessory to the resource base;
  - (ii) Any structures must be placed in currently developed areas; and
  - (iii) No land may be taken out of resource production.

**(5) Day-use kennel.** A day-use kennel is also subject to the following criteria:

- (a) A day-use kennel may not exceed 25 dogs or cats on site at any one time.
- (b) No commercial breeding or selling of dogs or cats may occur at a day-use kennel.
- (c) No overnight boarding of animals may occur at a day-use kennel.

**(6) Limited kennel.** A limited kennels is also subject to the following criteria:

- (a) A limited kennel may not exceed 25 dogs or cats over 16 weeks of age on site at any one time.
- (b) At no time may there be more than 50 dogs or cats of any age on site.
- (c) No dogs or cats may be commercially boarded at a limited kennel.
- (d) A limited kennel may have animals kept during daytime and overnight hours and may also include additional related services including but not limited to selling, training, grooming, and daily care.
- (e) Limitations in the Ag-NRL, IF-NRL, SF-NRL, and RRC-NRL zones:
  - (i) Must be accessory to an existing residence or natural resource operation.
  - (ii) No resource land may be converted or taken out of production.
  - (iii) Any structures must placed in currently developed areas.

**(7) Limitations by zone.**

- (a) In the SSB zone, the use is allowed only if accessory to an existing commercial use and only if the use is secondary and incidental to the primary SSB use.

(b)

#### **14.18.258 Hotel/motel**

- (1) Definition. A building in which there are guest rooms where lodging with or without meals is provided for compensation, where no provision is made for cooking in any room or suite. This definition applies to all operations with 6 or more guest rooms or where the operation is not owner-occupied or owner-managed.
- (2) Limitation in the RFS zone.
  - (a) Hotel/motel buildings may be no closer than 200 feet from agricultural zoned lands.

#### **14.18.260 Laundromat**

Reserved.

#### **14.18.262 Marijuana facility**

- (1) Definition. Any of the following types of marijuana facilities.
- (2) Types.
  - (a) Marijuana cooperative: consistent with RCW Chapter 69.51A, a shared cooperative for acquiring and supplying the resources needed to produce and process marijuana for the medical use of the members of the cooperative.
  - (b) Marijuana production facility: any land use involving the growing of marijuana, excluding marijuana cooperatives and marijuana grown at home for medical use consistent with State law.
  - (c) Marijuana processing facility: any land use involving the processing of marijuana, excluding marijuana cooperatives and marijuana grown at home for medical use consistent with State law.
  - (d) Marijuana production/processing facility: a marijuana production facility, or a marijuana processing facility, or any combination of the two.
  - (e) Marijuana retail facility: any land use involving the sale or other provision of marijuana for use or consumption.
- (3) Characterization. Marijuana production and processing is an industrial use, not an agricultural use.
- (4) Limitations in the Ag-NRL zone.
  - (a) The use may only be allowed in a structure existing as of January 1, 2014.
- (5) When Allowed.
  - (a) Marijuana facilities are allowed only where explicitly identified in this Title; except that in municipal UGAs where a municipality's development regulations apply, a marijuana facility must comply with the municipality's development regulations instead of this Section.
  - (b) Marijuana processing using hazardous or flammable solvents or gases is allowed only in BR-HI, only in a marijuana processing facility, and only in a professional-grade closed-loop extraction system that is designed to recover the chemicals and that is labeled for such use by the manufacturer.
  - (c) Growing medical marijuana at home by individuals, when done consistent with State law, is allowed in all zones.
- (6) When Prohibited.
  - (a) Any growing or processing of marijuana or keeping marijuana plants when not in compliance with State law governing the growing of medical marijuana at home or without a current license from the State Liquor and Cannabis Board.

- (b) Any storage or growing of plants if any portion of such activity can be readily seen by normal unaided vision or readily smelled from a public place or the private property of another housing unit.
- (7) Requirements for All Marijuana Facilities.
- (a) A marijuana production or processing facility must employ ventilation systems such that no odors from the production or processing are detectable off the premises.
  - (b) A marijuana facility that employs security cameras must aim those cameras so as to view only the facility property, not public rights-of-way or neighboring properties.
  - (c) The Fire Marshal must notify the local fire district or other fire authority whenever the Department approves a permit for any marijuana production or processing facility.
- (8) A special use permit for a marijuana production/processing facility must:
- (a) Be conditioned on holding a current license from the State Liquor and Cannabis Board;
  - (b) Address impacts on surrounding properties, including but not limited to the appropriate distance of the facility from residences, schools, daycare facilities, public parks, other public facilities, and other marijuana facilities;
  - (c) Include appropriate controls on odor;
  - (d) Include appropriate screening or other requirements to avoid lighting impacts and the visual impacts of security fencing;
  - (e) Include requirements for appropriate disposal of the waste and byproducts of production and processing;
  - (f) Include protections against security cameras infringing on neighbors' privacy;
  - (g) Include any additional controls on hazardous processing methods with potential to injure neighboring properties;
  - (h) Mitigate other impacts.
- (9) A special use permit for a marijuana retail facility must:
- (a) Be conditioned on holding a current license from the State Liquor and Cannabis Board;
  - (b) Include appropriate conditions to avoid customer use of marijuana on site or in adjacent areas (e.g., security cameras, fences, or site design);
  - (c) Mitigate other impacts.

#### **14.18.264 Marina**

- (1) **Definition.** freshwater or saltwater facilities that provide storage (wet and/or dry), launch areas, supplies, or services for pleasure and/or fishing craft. Marinas may be available to the general public through rental or fee agreements or they may be totally private, or for members of a yacht or country club, or a recreational subdivision.
- (a) Foreshore marinas are located in intertidal (high tide to low tide) or offshore (low tide and seaward) zones, along lake or river shores, and may be of open pile, floating or solid construction. Because of their location, foreshore marinas usually appropriate and utilize beaches and shoreline resources, surface waters, and may require shore defense works on marine shores.
  - (b) Backshore marinas are located landward of the high tide line or high water mark, or lake or river shores, and may require harbor and channel dredging, structural support works (bulkheads), and maintenance. Because of this location, offshore defense works are usually not required and beach and shoreline resources are not necessarily appropriated or altered.

(2) Types.

- (a) Primitive: marinas which include minimal shoreside improvements, limited to toilet facilities, parking, and picnic benches.
- (b) Full-service: all other marinas.

**14.18.266 Mini-storage**

- (1) Definition. A service use containing separate storage spaces that are leased or rented as individual units.
- (2) Mini-storage does not include the conduct of business activities other than rental of storage units of the premises.
- (3) Mini-storage may not have outside storage of property.

**14.18.268 Moorage**

- (1) Definition. Moorage may include moorage of marine vessels and structures associated with a permitted use.

**14.18.269 Mortuary**

Reserved.

**14.18.270 Outpatient medical and health care service**

- (1) Definition. Services offered by or under the direction of a licensed medical or health care practitioner on an outpatient basis (no overnight stays), excluding institutional facilities such as hospitals, skilled nursing facilities, or other long-term care facilities. Examples include but are not limited to:
  - (a) medical, dental, or physical therapy services offered in a clinic setting;
  - (b) outpatient pharmaceutical services in a pharmacy setting; and
  - (c) provision of medical supplies and durable medical equipment by registered providers of such services.
- (2) Restrictions.
  - (a) In the RVR zone, outpatient medical and health care services are limited to total gross floor area of 6,000 square feet and accessory storage and noncommercial uses are limited to 1,500 square feet and the number of practitioners may not exceed 10.

**14.18.272 Overnight lodging and related services for visitors to the rural area**

- (1) Definition. Reserved.
- (2) Limitations in the RVC zone.
  - (a) Overnight lodging facilities may not exceed 35 units. See Chapter 14.11 SCC for additional dimensional limitations.
  - (b) Operators may not allow any person to occupy overnight lodging on the premises for more than four months in any year.

**14.18.280 Restaurant**

- (1) Definition. Reserved.
- (2) “Drive-in” restaurants are allowed only where specifically permitted.

#### **14.18.282 Retail food market and convenience store**

- (1) Definition. Includes farmers markets.

#### **14.18.284 Retail and service business**

- (1) Definition. Reserved.
- (2) Types.
  - (a) Small.
  - (b) Large.
- (3) Restrictions.
  - (a) In the SSB zone, retail sales are limited to products produced primarily on site or which are accessory to products produced on site.

#### **14.18.286 Small-scale production or manufacture**

- (1) Definition. Small-scale production of products and goods, including food products, furniture, apparel, artwork, metal products, and wood products.

#### **14.18.290 Temporary events**

- (1) Definition. Commercial use of a property for any musical, cultural, or social event held either indoors or outdoors.
- (2) Restrictions. The “temporary events” use is also subject to the following criteria:
  - (a) Events may occur on no more than 24 calendar days per year.
  - (b) Parking for all events must be fully contained on the subject property and must not include the use of any road right-of-way.
  - (c) The use must not create a detrimental level of electrical interference, line voltage fluctuation, noise, vibration, smoke, dust, odors, heat, glare, traffic or other environmental impacts on the surrounding area.
  - (d) All lighting must directed away from neighboring residences or businesses.
- (3) Limitations in the Ag-NRL, IF-NRL, and SF-NRL zones:
  - (a) The temporary events use must be related to the resource use.
  - (b) No resource land may be converted.
  - (c) No permanent structures may be constructed.
- (4) Limitations in the H-URv and RRc-NRL zones:
  - (a) No permanent structures may be constructed.

#### **14.18.294 Vehicle repair garage**

- (1) Definition. Repair of vehicles, conducted inside a building.
- (2) Limitations in the BR-LI zone.
  - (a) A car wash is permitted only adjacent to Peterson Road.



## Part III. Community/Public Uses

### 14.18.310 Cemetery

Reserved.

### 14.18.320 Church

- (1) Definition. A place or building where religious services are conducted, and which may include, as accessory uses, religious education, reading rooms, assembly rooms and a rectory or parsonage. This definition does not include facilities for training of religious orders.

### 14.18.324 Community club/grange hall

Reserved.

### 14.18.326 Conference center

Reserved.

### 14.18.330 Historic site open to the public

- (1) Definition. A historic site (as defined in SCC 14.04.020) that is open to the public during limited or unlimited hours.
- (2) Limitations in the Ag-NRL, IF-NRL, SF-NRL, and RRc-NRL zones.
  - (a) The use must not interfere with the management of the resource land.

### 14.18.340 Hospital

- (1) Definition. A building designed and used for medical and surgical diagnosis, treatment, and housing of persons, which may include overnight stay. Rest homes, nursing homes, convalescent homes and clinics are not included.

### 14.18.350 Interpretive/information center

- (1) Definition. Building(s) or site dedicated to public education or information, including tourist information, that focuses on local or area ecology, natural history, human history, or other similar subjects.
- (2) An interpretive/information center may include a small store, cafeteria, and auditorium, but does not include overnight stays.

### 14.18.360 Museum

Reserved.

### 14.18.370 Public Use

- (1) Definition. Government or quasi-government owned and operated facilities which are not utilities, including, but not limited to, primary and secondary schools, libraries, postal services, offices, training facilities, fire and police stations, and courts.
- (2) Types of public use.
  - (a) Major: public facilities that include 3,000 or more square feet of gross floor area or that utilize three or more full-time employees.
  - (b) Minor: less intensive public facilities that include less than 3,000 square feet of gross floor area and that utilize two or fewer full-time employees.

- (3) Limitations in Ag-NRL, H-URv, IF-NRL, SF-NRL, and RRc-NRL zones.
- (a) Except as provided in subsection (3)(b), a public use must be designed to minimize the amount of resource lands utilized and complies with the following:
    - (i) The use is located within the existing building envelope which may include the required landscaping of the existing use, or it will be sited on existing impervious surface or within existing right-of-way; and
    - (ii) The applicant has proven that there is no other viable alternative to providing the expansion in the zone or on non-natural resource lands.
  - (b) A minor or major public use related to the provision of emergency services may be sited when there is no other viable parcel or non-resource designated land to serve the affected area. The applicant must demonstrate the need to locate the use in the zone or natural resource land and must provide analysis of alternatives to the development of the use within zone or the natural resource land.

#### **14.18.380 Pre-school**

- (1) Definition. A school for children which is attended prior to kindergarten.

### **Part IV. Natural Resource Uses**

#### **14.18.402 Agriculture**

- (1) Definition. Agriculture or agricultural activity is the use of land for commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products, or of berries, grain, hay, straw, turf, seed, cottonwood trees, Christmas trees (not subject to excise tax imposed by RCW 84.33.140), or livestock, including those activities directly pertaining to the production of crops or livestock including, but not limited to, cultivation, harvest, grazing, on-site animal waste storage and disposal, fertilization, the operation and maintenance of farm and stock ponds, drainage ditches, irrigation systems, and canals, and normal maintenance, operation and repair of existing serviceable structures, facilities, or improved areas.

#### **14.18.403 Agricultural accessory use**

- (1) Definition. A use is considered accessory to an agricultural use if it is located on either the same lot or other lots that collectively or in singular comprise a principal use of a corporate farm or farm held or leased by a farm manager or his immediate family. An accessory use to an agricultural use, includes, but is not limited to, the following:
- (a) Outdoor storage of processed and unprocessed natural materials, waste materials, or other similar materials;
  - (b) Impoundments under 1-acre feet in volume;
  - (c) Farm animal or horticultural viewing by the public;
  - (d) U-pick sales to the public;
  - (e) Storage of agricultural products, ingredients, packaging and/or equipment used on-site;
  - (f) Miscellaneous agricultural support buildings, including barns, sheds, corrals, farm offices, and coops, which are used for on-site soil-dependent agriculture; and
  - (g) Activities associated with tourism that promote local agriculture so long as adequate parking and specified ingress and egresses are designated and permitted.
- (2) An agricultural accessory use must predominantly serve the principal use of the farm, but may also serve other farms.

#### **14.18.404 Agricultural processing facility**

- (1) Definition. a facility which adds value to, refines, or processes raw agricultural goods, including, but not limited to, washing, grading, sizing, drying, extracting, icing, producing ornamental agricultural products, sorting, cutting, pressing, bagging, freezing, canning, packaging, milling, crushing, brining, fermenting, aging, pasteurizing, preserving storage, and bottling.
- (2) Storage, warehousing, and distributing products in conjunction with the agricultural processing activity occurring on the site is allowed.

#### **14.18.405 Agricultural slaughtering facility**

- (1) Definition. A facility which slaughters animals or fowl grown in commercial agriculture for processing and sales.

#### **14.18.406 Agricultural support service**

- (1) Definition. Any nonagricultural use which is directly related to agriculture and directly dependent upon agriculture for its existence. These support services generally exist off-site and within districts that are intended to facilitate the production, marketing and distribution of agricultural products. Agricultural support services are separate and distinct from farm-based business.

#### **14.18.407 Anaerobic digester**

- (1) Definition. a facility that generates power from the anaerobic “digestion” of primarily plant and animal waste from agricultural activities and meets the requirements in RCW 70.95.330.

#### **14.18.420 Farm-based Business**

- (1) Definition. An on-farm commercial enterprise devoted to the direct marketing of unprocessed and/or value-added and soil-dependent agricultural products that are produced, processed, and sold on-site. Farm-based businesses are intended to supplement farm income, improve the efficiency of farming, and provide employment to farm family members. Farm-based businesses are separate and distinct from agriculture support services.
- (2) Limitations. In all zones, a farm-based business:
  - (a) may be carried on exclusively by a member or members of a family residing on the farm; and
  - (b) may employ no more than three nonresident full-time equivalent employees.

#### **14.18.422 Forestry**

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

#### **14.18.424 Forestry-based business**

- (1) Definition. A commercial enterprise devoted to the direct marketing of unprocessed and/or value-added and forestry-related products that are produced or processed on-site, and which may be sold on-site.
- (2) Limitations. In all zones, a forestry-based business may employ no more than three nonresident full-time equivalent employees.

#### **14.18.430 Habitat enhancement/restoration project**

- (1) Definition. Any project, including mitigation banks, private projects or public projects, designed to create, restore and/or enhance habitat for fish, birds and/or mammals and includes the alteration of the landscape by excavation or sculpting of soil and/or the alteration of hydrology. This use does not

include required on-site mitigation projects associated with permitted development activities pursuant to Chapter 14.24 SCC or projects consisting exclusively of planting vegetation.

- (2) In the Ag-NRL zone, a habitat enhancement/restoration project that involves off-site compensatory mitigation is prohibited. "Off-site compensatory mitigation" means any action proposed on Ag-NRL zone lands as compensatory mitigation activities, actions, or environmental impacts occurring outside Skagit County Ag-NRL zone lands.

#### **14.18.442 Manure lagoon**

**(1) Definition.**

A lagoon for livestock and poultry waste.

**(2) Requirements**

- (a) A manure lagoon must follow construction and management guidelines set forth by USDA-NRCS.

#### **14.18.444 Mitigation bank**

- (1) Definition. A collection of existing, created, restored, or enhanced wetlands and their protective buffers that is created or established to provide mitigation credits to offset future adverse impacts to wetlands from approved projects elsewhere pursuant to the requirements of Chapter 90.84 RCW and Chapter 173-700 WAC.
- (2) Mitigation banks are prohibited in all zones.

#### **14.18.452 Natural resource support services**

- (1) Definition. Includes office uses and wholesale, retail and service businesses serving local natural resource industries, and sales, storage, parts and repair of equipment and supplies for natural resource industries.

#### **14.18.454 Natural resources training/research facility**

- (1) Definition. a facility dedicated to training and/or research that is directly related to a natural resource, a natural resource operation, or a natural resource industry. Natural resources consist of soil (including minerals), water, animals, plants and air.

#### **14.18.456 Nursey/greenhouse**

- (1) Definition. The storage, cultivation, or transplanting of live trees, shrubs, or plants offered for sale on or off the premises including products used for gardening or landscaping.
- (2) Wholesale nurseries do not have associated sales buildings, while retail nurseries may have associated sales buildings.
- (3) Limitations in the Ag-NRL, SF-NRL, and RRc-NRL zones:
  - (a) No permanent conversion of resource lands is allowed.
  - (b) Upon cessation of the greenhouse operation, the land must be returned to its former state or otherwise placed in resource production.

#### **14.18.462 Seasonal roadside stand**

- (1) Definition. A small retail establishment dedicated exclusively to the sale of agricultural products and agricultural promotional items.
- (2) Requirements.

- (a) A seasonal roadside stand is allowed only as an accessory to an actively managed, ongoing agricultural operation.
- (b) A majority of the agricultural products must be grown on-site or be a product of the primary agricultural operation located in Skagit County.
- (c) All agricultural promotional products must be accessory to the primary use of the stand for agricultural products and must be directly related to the agricultural operation and located solely within the stand.
- (d) Signage is allowed per SCC 14.16.820.

## Part V. Parks and Recreation Uses

### 14.18.512 Campground

- (1) Definition. An area of land developed for recreational use in temporary occupancy, such as two or more tents and/or recreational vehicles.

#### (2) Developed Campground

- (a) Definition. A developed campground is a campground with a moderate level of amenities, including any of the following: plumbed restrooms, individual campsites or cabins with sewer and water, a dump station, laundry facilities, sports courts, on-site offices, or picnic shelters.

#### (3) Destination Campground

- (a) Definition. A destination campground is a campground with a high level of amenities, including the amenities of a developed campground and any of the following to serve the campground patrons:
  - (i) snack bars;
  - (ii) small retail shops;
  - (iii) restaurants;
  - (iv) recreation halls; or
  - (v) other similar activities.
- (b) In the Rural Reserve (RRV) zone, a destination campground is only allowed if it existed as of May 17, 2009, and it is 30 acres or less.
  - (i) A permitted “destination campground” is eligible for modifications to existing special use permit(s) if:
    - (A) The total number of camp sites does not increase from what existed on May 17, 2009;
    - (B) The footprint of the campground does not increase from what existed on May 17, 2009; and
    - (C) The original permit conditions regarding perimeter buffers are met.
  - (ii) All amenities listed for “Campgrounds, developed” are allowed through the permit modification process. New amenities associated with the definition of “Campground, destination” are not allowed. Additional minor improvements to the existing campground may also be allowed at the discretion of the Director, provided the improvements do not constitute expansion or intensification or result in adverse impacts to the surrounding area.

#### **(4) Primitive Campground**

- (a) Definition. A primitive campground is a campground with a minimal level of shared amenities, including vault or chemical toilets and garbage service, and which may include running water; does not include any amenities listed in developed campground or destination campground.
- (b) A primitive campground must comply with SCC 14.16.945 [prohibitions on rv use as dwelling unit].
- (c) In the IF-NRL and H-URv zones, a primitive campground is allowed only as long as there is no conversion of resource land and the campground does not interfere with resource management.

#### **14.18.532 Golf course**

- (1) Definition. A recreational facility designed and developed for golf activities.
- (2) A golf course may include as accessory uses:
  - (a) a pro shop;
  - (b) snack bar (not including a restaurant); and
  - (c) caddy shack/maintenance buildings.
- (3) In the BR-R zone, a golf course may include a clubhouse and restaurant in conjunction with the golf course.

#### **14.18.552 Off-road vehicle use areas and trails**

- (1) Definition. Off-road vehicle use areas and trails: designated areas and trails for off-road vehicles to serve more than immediate family living on the site.
- (2) Limitations in the IF-NRL and SF-NRL zones.
  - (a) Such uses must be authorized by the State and must not interfere with normal forest management consistent with the Forest Practices Act.

#### **14.18.554 Outdoor outfitters enterprise**

- (1) Definition. Hunting, fishing, bird watching and similar outdoor outfitting enterprises, not including private hunting and fishing.
- (2) Outdoor outfitting opportunities may be provided by the landowner or members of his/her immediate family on a trip basis or through direct lease to a hunt club, individual or group or through sublease to a professional outdoor outfitter.
- (3) General requirements.
  - (a) Temporary lodging may be allowed at temporary primitive campgrounds as regulated in each district, existing lodges/cabins, or approved bed and breakfasts.
  - (b) No more than 5 self-contained RVs may be allowed with such enterprises at any one time.
  - (c) Temporary lodging in a single location must not exceed 14 days for any 1 individual, group or party.
  - (d) At least 7 days must pass before registered guests may return for lodging.
  - (e) A site plan showing the location, size, access of proposed primitive campsites, existing lodges/cabins, and RV sites is required to be submitted with the special use application.
- (4) Limitations in the Ag-NRL, IF-NRL, SF-NRL, and RRc-NRL zones:

- (a) An outdoor outfitters enterprise must remain incidental to the primary resource use of the land. “Incidental” means resulting in income and land use that supplements, but does not exceed the primary use of the natural resource land for agricultural or forestry use.
- (b) Temporary lodging is prohibited.
- (c) No net loss of designated resource land may occur.

#### **14.18.556 Outdoor recreational equipment rental and/or guide services**

Reserved.

#### **14.18.560 Park**

##### **(1) Community Park**

- (a) Defined. A park planned to provide indoor and outdoor active and structured recreation opportunities primarily for organized activities and sports, although individual and family activities are also encouraged. Sports fields are often the central focus of the park. The service area is typically a 1- to 2-mile radius in urban areas and can be up to 10 miles in rural areas. Appropriate facilities for community parks are listed in the Skagit County Comprehensive Parks and Recreation Plan.

##### **(2) Park, recreation open space**

- (a) Defined. A park defined in the Skagit County Comprehensive Park and Recreation Plan that includes undeveloped land primarily left in its natural condition and used for passive recreation purposes, creation of separation and seclusion and as buffers between urban uses. This type of land differs from other open space categories whose primary objective is to preserve wildlife habitat or agricultural farmland. Typical recreation open space includes coastal areas, wetlands, steep hillsides, river corridor bluffs, view points or linear areas primarily designed to accommodate trail areas. These parks are designed to offer a greater level of solitude than day use parks.

##### **(3) Regional Park**

- (a) Defined. A park defined in the Skagit County Comprehensive Parks and Recreation Plan by large recreation areas that serve the residents of the entire County as well as residents from outside the immediate region. These parks generally exceed 100 acres in size and focus on unique features or facilities. Typically, regional parks provide areas for trail systems, picnicking, boating, fishing, swimming, environmental education, camping and hiking.

##### **(4) Park, specialized recreation area**

- (a) Defined. Miscellaneous public recreation areas or land occupied by a specialized recreation facility as defined in the Skagit County Comprehensive Parks and Recreation Plan. These parks are generally focused around small or special interest landscaped areas, shoreline access sites, community gardens, single purpose sites used for sport fields, or sites occupied by recreation buildings such as community or senior centers.

#### **14.18.572 Racetrack**

- (1) Definition. A designated course designed to provide competitive racing for motor vehicles, motorcycles, bicycles, animals, etc.
- (2) Types of racetrack:
  - (a) Indoor racetrack: a racetrack located inside a fully enclosed structure.
  - (b) Recreation racetrack: a race track that serves more than the people residing on site, does not include facilities for spectators, and is meant to serve the local area only.

- (c) Regional racetrack: a racetrack that provides facilities for spectators and that serves the regional area.

#### **14.18.574 Recreation facility**

##### **(1) Active recreation facility**

- (a) Defined. Facilities usually of a formal nature and offers activities that are often performed with others, requiring equipment and taking place at prescribed places. This includes outdoor recreational facilities, as defined by this Chapter, plus other facilities such as go-cart tracks, paint ball courses and mini-golf utilized as businesses that might occur within an enclosed structure. Not included in this category are outdoor race tracks or shooting ranges.

##### **(2) Outdoor recreation facility.**

- (a) Defined. A privately owned, publicly used outdoor facility for recreation, with minimal associated structures and buildings, that relies on the natural environment and that does not involve overnight stays, or include continuous operation of motorized vehicles as an inherent part of the facility's operation. Examples include public boat launches, U-fish ponds, hot springs, and tennis courts for public use.

#### **14.18.576 Regional equestrian events center**

- (1) Definition. A facility designed for spectator-oriented equestrian activities serving the region or State.
- (2) A regional equestrian events center may consist of:
  - (a) a multi-use events center containing an equestrian arena, spectator seating, offices and meeting rooms, concession/kitchen area, and related restroom and parking facilities;
  - (b) a lighted outdoor covered arena including protected area for spectators and equestrian tacking activities; barns to provide temporary stabling during equestrian events; and
  - (c) an equestrian cross-country course and trails utilizing the site's natural terrain.

#### **14.18.582 Shooting club**

- (1) Definition. An activity or use of land or a facility for the purposes of discharging firearms in any organized fashion, such as a club or group, as opposed to an individual's periodic discharge of a firearm.
- (2) Types:
  - (a) Indoor shooting club.
  - (b) Outdoor shooting club.
- (3) In the IF-NRL, SF-NRL, and RRc-NRL zones:
  - (a) No associated enclosed structures are allowed except as needed for emergency communication and safety equipment.
  - (b) No conversion of resource land is allowed.

#### **14.18.584 Stables and riding club**

- (1) Definition. A facility designed for equestrian activities and events, including boarding, breeding and training facilities.
- (2) A stables and riding club may offer occasional spectator events but is intended primarily for routine daily equestrian activities.
- (3) Limitations in the H-URv and RRc-NRL zones:



- (a) The use must be accessory to the existing resource base.
- (b) No new structures may be constructed.

#### **14.18.592 Trail**

Reserved.

#### **14.18.594 Trailhead**

- (1) Definition. A trail access point.
- (2) Types of trailhead:
  - (a) Primary trailhead: a staging area provided for trail access including trail orientation and information and that provides the necessary unloading features. Primary trailheads should have restrooms and trash receptacles.
  - (b) Secondary trailhead: trail access points having limited development. Supporting features might include a small unpaved parking area and signage.

## **Part VI. Storage Uses**

#### **14.18.612 Commercial equipment storage**

Reserved.

#### **14.18.642 Hazardous waste storage**

- (1) Definition. The holding of hazardous waste as regulated by the State of Washington Dangerous Waste Regulations, Chapter 173-303 WAC.
- (2) Restrictions.
  - (a) The hazardous waste must be stored on the site on which it was generated.
  - (b) The hazardous waste may be held only for a temporary period, until it can be properly disposed of.

#### **14.18.650 Outdoor storage**

- (1) Definition. Outdoor storage of various types of materials, not including:
  - (a) hazardous materials as defined in SCC 14.04.020;
  - (b) junk as defined in SCC 14.04.020 and as prohibited by SCC 14.10.070;
  - (c) vehicles.
- (2) Types. Outdoor storage consists of four types as described by the table below:

Type	Materials	Volume	Potential Health Hazard
Type 1	Natural	≤ 500 cubic yards	No
Type 2	Any	≤ 50 cubic yards	Allowed
Type 3	Natural	> 500 cubic yards	No
Type 4	Any	> 50 cubic yards	Allowed

#### **14.18.660 Petroleum products and gas storage—bulk.**

Reserved.

#### **14.18.690 Vehicle storage facility**

- (1) Definition. A commercial enterprise devoted to the storage of personal vehicles, including unlicensed/inoperable vehicles.
- (2) Restrictions.
  - (a) A vehicle storage facility does not include establishments where the principal use is the rental or sale of vehicles.

### **Part VII. Transportation Uses**

#### **14.18.720 Aircraft hangar**

- (1) Definition. A building or structure used for the storage of aircraft and activities related thereto (i.e., offices, pilots' lounge, waiting area, terminal area, shop area, assembly area).

#### **14.18.722 Aircraft landing field**

- (1) Definition. An aircraft landing field for private, non-commercial use.
- (2) Limitation in the Ag-NRL, IF-NRL, SF-NRL, and RRc-NRL zones.
  - (a) The use is allowed only as an accessory to the resource use.
  - (b) The use is allowed only if there is no other viable alternative to providing the service on NRL lands.

#### **14.18.760 Park and ride**

- (1) Definition. A designated parking facility specifically intended for use by public transportation and ridesharing patrons.

#### **14.18.780 Transit station**

- (1) Definition. A dedicated transit facility located outside of the public right-of-way where several transit routes converge. A transit station is designed to accommodate several buses at once, and may include passenger shelters and waiting areas.

#### **14.18.782 Transit stop**

Reserved.

#### **14.18.790 Vehicle charging station**

- (1) Definition. A facility for the charging of vehicles designed for operation on ordinary roads carrying passengers or larger cargo, including a battery exchange station as defined in RCW 36.70A.695.
- (2) Limitation in the IF-NRL zone.
  - (a) The use must be accessory to a primary or secondary trailhead or regional park.
  - (b) No conversion of resource land is allowed.
- (3) Limitation in the SF-NRL zone.
  - (a) The use must be accessory to a primary or secondary trailhead or park.

#### **14.18.792 Vehicle fueling station**

- (1) Definition. A facility for the fueling of vehicles designed for operation on ordinary roads carrying passengers or larger cargo.

## Part VIII. Utility Uses

### 14.18.820 Drainage maintenance

**(1) Definition.**

Any activity that is necessary to keep a stormwater and drainage facility in good working order so as to function as designed.

**(2) Requirements.**

- (a) Maintenance must include complete reconstruction of a stormwater and drainage facility if reconstruction is needed in order to return the facility to good working order.
- (b) Maintenance must include the correction of any problem on the site property that may directly impair the functions of the stormwater and drainage facilities.

### 14.18.830 Impoundment

- (1) Definition. A natural topographic depression, manmade excavation, or diked area, which is designed for livestock watering, irrigation, recreation, wildlife habitat, fish rearing, or property enhancement. Impoundments do not include stormwater management ponds.

### 14.18.840 Net metering system

**(1) Definition.**

As defined in RCW 80.60.010, a facility for the production of electrical energy that generates renewable energy, and that: (1) has an electrical generating capacity of not more than 100 kilowatts; (2) is located on the customer-generator's premises; (3) operates in parallel with the electric utility's transmission and distribution facilities; and (4) is intended primarily to offset part or all of the customer-generator's requirements for electricity. For purposes of this Title, net metering systems are of 2 types:

- (a) Net metering system, solar: a net metering system that uses solar energy to generate electrical power.
- (b) Net metering system, wind: a net metering system that uses wind energy to generate power.

**(2) Requirements**

Reserved.

### 14.18.860 Recycling drop box facility

- (1) Definition. A facility used for receiving residential-generated and consumer source-separated, non-putrescible recyclables such as the following: cardboard, paper, tin and/or aluminum cans, glass containers, and recyclable plastics.
- (2) Requirements.
- (a) Recyclables must be immediately deposited into covered container(s) that together do not exceed a total volume of 50 cubic yards.
  - (b) Recycling drop box facilities must not be used for outdoor storage, long-term storage, stockpiling, processing, or final disposal of waste; generate dust, fumes, odors, leachate, or similar nuisances; or attract pests.
  - (c) Recycling drop box facilities must operate unmanned or manned by an attendant whose duties are limited to directing the deposit of waste, clean-up, and the removal of solid waste containers; and be designed to serve a small, local community.

- (d) Waste or recycling containers with a combined total volume of 10 cubic yards or less are not considered a land use regulated under this Title.
- (e) Where a recycling drop box facility is listed as an accessory use, it must be accessory to a permitted public, institutional, commercial, or industrial use.

#### **14.18.862 Repair, replacement, and maintenance of water lines**

- (1) Definition. Reserved.

#### **14.18.870 Utility development**

- (1) Definition. Includes, but is not limited to, facilities and services that generate, transport, process, or store water, sewage, solid waste, electrical energy, communications and pipelines for fuel, oil, natural gas, and petroleum products.
- (2) Types. A utility development is one of the following types:
  - (a) Minor: an unmanned utility development designed to serve a small local community that would be considered a normal utility service for the area.
  - (b) Major: a utility development that is not a minor utility development or a major regional utility development.
  - (c) Major regional: a utility development that is designed to serve a region.
- (3) Limitations in the Ag-NRL, H-URv, IF-NRL, SF-NRL, and RRc-NRL zones.
  - (a) Except as provided in subsection (3)(b), a utility development must be designed to minimize the amount of resource lands utilized and complies with the following:
    - (i) The use is located within the existing building envelope which may include the required landscaping of the existing use, or it will be sited on existing impervious surface or within existing right-of-way; and
    - (ii) The applicant has proven that there is no other viable alternative to providing the expansion in the zone or on non-natural resource lands.
  - (b) A major utility development may be sited when there is no other viable parcel in the zone or non-resource designated land to serve the affected area. The applicant must demonstrate the need to locate the use in zone and must provide analysis of alternatives to the development of the use within the zone.
- (4) Limitations in the Ag-NRL zone.
  - (a) A minor utility development (including those that are a necessary part of a salmon recovery or enhancement project, including stormwater management projects) or a major utility development may be sited only when there is no other viable parcel of non-agricultural land to locate the project. Analysis of alternatives to the development of the utility in the natural resource land must be provided.
  - (b) A major utility development involving the generation and/or storage of electricity is prohibited.

#### **14.18.890 Water diversion structure.**

- (1) Definition. Reserved.

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# Division 2 Project Design Standards

## Chapter 14.20 General performance standards

### 14.20.010 Purpose.

It is intended that all activities and land uses within Skagit County adhere to a common standard of environmental performance criteria.

### 14.20.020 Applicability

This chapter applies to all uses in all zones, unless otherwise specified.

### 14.20.030 Vibration.

Every use must be so operated that the ground vibration inherently and/or recurrently generated from use and/or equipment other than vehicles is not perceptible without instruments at any point on or beyond any zone district boundary in which the use is located.

### 14.20.040 Heat, Glare, and Steam.

- (1) Any activity producing steam, heat, or glare must be carried on in such a manner that the steam, heat, or glare does not create a nuisance beyond the boundary lines of the property within which the use is located.
- (2) Building materials with high-light reflective qualities may not be used in construction of buildings where reflected sunlight would throw intense glare on adjacent areas.
- (3) Artificial lighting must use full cut-off fixtures so that direct light from high intensity lamps will not result in glare. Lighting must be directed away from adjoining properties so that not more than 1-foot candles of illumination leaves the property boundaries.

### 14.20.050 Electrical Disturbance.

No activity may emit electrical disturbance adversely affecting the operation of equipment or appliances at any point beyond the boundaries of the location site of the use creating such disturbance.

### 14.20.060 Noise.

- (1) Noise generated by any use in any zone must comply with the standards set forth in chapter 9.50 SCC.
- (2) Except as otherwise provided, the maximum permissible environmental noise levels to be emitted to adjacent properties are not to exceed levels of the environmental designations for noise abatement (EDNA) as established by the State of Washington, Department of Ecology as now exist in Chapter 173-60 WAC, or as hereafter amended.
- (3) EDNA classifications correspond to zones established under this Title as follows:

**Table 14.20.060-1 EDNA classifications to zone mapping**

EDNA	Zones
<b>Class A</b>	Residential zones RI, RVR, RRv, R, URR
<b>Class B</b>	Commercial zones RVC, RC, RFS, SRT, SSB, RB, BR-LI, AVR, URC-I; Open Space zones OSRSI and URP-OS;
<b>Class C</b>	Industrial zones NRI, RMI, BR-HI; Forestry zones IF-NRL, SF-NRL, RRc-NRL; Agricultural zone Ag-NRL

## Chapter 14.22 Fences

### 14.22.010 Applicability

- (1) This chapter applies to all fences and fencing.
- (2) This chapter does not apply to natural hedges.

### 14.22.020 Requirements

- (1) Fences on corner lots must meet the vision clearance requirements of SCC 14.28.110.
- (2) Setback requirements for fences are specified in Chapter 14.28 SCC.
- (3) Front setback for fences in Guemes Island Overlay are specified in SCC 14.14.200.

### 14.22.030 Prohibited materials

- (1) Razor wire is only allowed in commercial, industrial, and aviation-related zones, unless permitted as part of an essential public facility or utility development.
- (2) Barbed wire fencing material may not be installed more than five feet from grade. This provision does not apply:
  - (a) In commercial, industrial, and aviation-related zones;
  - (b) When permitted as part of an agricultural use, essential public facility, marijuana production/processing facility, utility development, or wireless facility; and
  - (c) To wildlife fencing.

## Chapter 14.24 Critical Areas\*

*No change.*

## Chapter 14.25 Landscaping

### 14.25.010 Purpose

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

- (d) Provide shade and visual relief to parking areas and streets;
- (e) Reduce stormwater runoff and erosion by providing areas for water retention and biofiltration where deemed necessary;
- (f) Aid in protecting the natural landscape rural character of Skagit County by helping to maintain and enhance the rural visual landscape quality through the use of native plant materials;
- (g) Avoid danger to aircraft in the AEO zone.

#### **14.25.020 Applicability.**

- (1) This chapter applies to:
  - (a) any change of use,
  - (b) new or replacement commercial, industrial, or institutional building;
  - (c) special use; or
  - (d) land division application (when required by Title 14 Division 7).
- (2) For a new structure or use, substantial remodel, repair, or expansion (greater than 50% area) of an existing building or use, landscaping must meet all requirements of this Chapter.
- (3) For a remodel, repair, or expansion (50% or less) to an existing building or use, landscaping is required at least equal to the percentage of the remodeled, repaired, or expanded area.
- (4) No landscaping is required for an interior remodel.
- (5) No additional landscaping is required for a property that already meets the requirement of this chapter.

#### **14.25.030 Application requirements.**

- (1) A conceptual landscape plan must be included in the underlying project permit application.
- (2) Plans must be drawn to scale and include:
  - (a) the location of buildings;
  - (b) above and below ground utilities;
  - (c) the location, quantities, and sizes of proposed plants and other proposed materials in the landscape area.
- (3) Plans for projects including 2,000 square feet or more of landscaping over the entire development area must be prepared by a licensed landscape architect or Washington State certified nurseryman.
- (4) A final, approved plan is required prior to final project approval.

#### **14.25.040 General Standards.**

The following general standards are required in all zones where landscaping is required:

- (1) Existing Vegetation. Preference is to retain as much of the existing mature vegetation (not including invasive non-native species) as possible within planting areas. Existing mature vegetation may be included in the required amount.
- (2) Trees must be varieties that will not conflict with underground or overhead utilities.
- (3) No artificial lawn or shrubbery is permitted in landscaped areas.
- (4) Required landscaping or other vegetation within 30 feet of a driveway or street intersection must not impair the sight vision between 30 inches and 8 feet from the ground. All trees must not have branches or foliage below 8 feet above the street level.

- (5) Erosion control measures and temporary run-off control may become part of a landscape plan.
- (6) Maintenance for all landscaping and screening areas must be provided by the owner of the landscaped property. Broken or dead trees or shrubs must be replaced. All screening and landscaping areas must be kept free of weeds and trash. Failure to maintain landscaping areas may be enforced per Chapter 14.09 SCC Enforcement Procedures.
- (7) Performance assurance bonding must be in a cash deposit or other assurance acceptable to the County equal to 125% of the estimated installation costs if landscaping improvements have not been completed prior to application for occupancy. Such deposit must be accompanied by a letter that must stipulate the completion of the landscaping no later than 9 months from date of occupancy. If the conditions are not met, the County may use the deposit to perform the landscaping.
- (8) Phased projects must submit a landscape plan for the site as a whole before any issuance of a building permit is granted.
- (9) Alternative landscape plans that differ from the requirements contained in this chapter may be approved as a variance. All plans must demonstrate how they meet the intent as outlined in this chapter or that a hardship exists because of lot topography, size, or location.
- (10) Landscape materials must be provided consistent with the County's list of acceptable landscape materials.
- (11) Potential conflicts between landscaping and utilities must be minimized or avoided.
- (12) Where a low-impact development stormwater facility is required by SCC Chapter 14.32, the applicant may use that facility to satisfy other landscaping requirements so long as the purpose and intent of required landscaping is satisfied and the landscaping does not disrupt the function of LID stormwater facilities.

#### **14.25.050 Type I, Property Lines Other Than Street Frontage.**

- (1) Description. Type I landscaping is intended to provide screening of areas to reduce the visual impact of incompatible or less desirable characteristics. It is intended to be a very dense sight barrier. The planting strip must be at least 20 feet wide.
- (2) Applicability.
  - (a) A 20-foot-wide Type I buffer is required on all development within SRT, BR-LI, BR-HI, NRI, H-I and RMI zones where it abuts URR, RI, RRv, RVR, BR-R, H-R, H-URv and R zoned land. Entire property lines need not be landscaped if applicant can demonstrate the activity (building or use) is adequately screened and agrees to additional Type I landscaping with future applications. A request for a reduction must be by administrative decision pursuant to Chapter 14.06 SCC. Requirements for the NRI zone are found within that zone.
  - (b) Type I landscapes may be applied as conditions to discretionary land use applications.
- (3) Amount of Plantings Within the Planting Strip.
  - (a) Trees. Two alternating rows of evergreen trees, with a minimum of 2.5-inch caliper and planted at intervals of no greater than 20 feet on center. The trees must be backed by a sight-obscuring fence, a minimum of 5 feet high that may be removed when the trees reach 10 feet high. applicant may eliminate the fence by increasing the required width of the planting area by 10 feet. In the Airport Environs Overlay (AEO), tree height at maturity may be no greater than the maximum building height for the specific site.
  - (b) Shrubs. Shrubs must be planted a minimum of 5 feet wide using plants that are 3 1/2 feet in height at the time of planting. A combination of plant materials and landscape materials must be planted so that the ground surrounding the shrubs will be covered within 3 years.



- (c) Alternatively, a wall at least 6 feet high may be used for screening to reduce the planting width 5 feet and must be constructed of masonry, block, or textured concrete.

#### **14.25.060 Type II, Property Lines Other Than Street Frontage.**

- (1) Description. Type II landscaping is intended to provide a visual separation between uses and land use districts.
- (2) Applicability.
  - (a) A 10-foot-wide Type II buffer is required on all development within URC-I, AVR, AVR-L, RFS, RVC, RC, SSB, and RB zones where it abuts URR, RI, RRv, RVR, BR-R, H-R, H-URv and R zoned land. Entire property lines need not be landscaped if applicant can demonstrate the activity (building or use) is adequately screened and agrees to additional Type II landscaping with future applications. A request for a reduction must be by administrative decision pursuant to Chapter 14.06 SCC.
  - (b) Type II landscapes may be applied as conditions to discretionary land use applications.
- (3) Amount of Plantings.
  - (a) Trees. Evergreen and deciduous trees, with no more than 50% being deciduous, a minimum of 2.5-inch caliper and planted at intervals of no greater than 20 feet on center. In the Airport Environs Overlay (AEO), tree height at maturity must be no greater than the maximum building height for the specific site.
  - (b) Shrubs. A minimum of 3 1/2 feet in height and other plant materials planted so that the ground will be covered within 3 years.

#### **14.25.070 Type III, Street Frontage.**

- (1) Description. Type III landscaping is intended to provide aesthetic enhancement, retain the natural landscape character and soften the appearance of streets, parking areas and building elevations of applications subject to this Section. This is the typical landscape requirement that every commercial/industrial application must meet.
- (2) Applicability.
  - (a) An 8-foot-wide Type III buffer is required on the street frontage of all development within all commercial/industrial zones. Entire property lines need not be landscaped if the applicant can demonstrate the activity (building or use) is adequately screened and agrees to additional Type II landscaping with future applications. A request for a reduction must be by administrative decision pursuant to Chapter 14.06 SCC.
  - (b) Type III landscapes may be applied as conditions to discretionary land use applications.
- (3) Amount of Plantings.
  - (a) Standards for AVR, AVR-L, NRI, BR-LI, BR-HI, RFS, SRT, and RMI Zones.
    - (i) Trees. Evergreen and deciduous trees, with no more than 50 percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than 30 feet on center, or maximum spacing of one tree for every 30 feet of road frontage may be planted in groupings so as not to visually block a business entrance. In the Airport Environs Overlay (AEO), tree height at maturity must be no greater than the maximum building height for the specific site.
    - (ii) Shrubs and Berms. Minimum of three and one-half feet in height, and lawn or ground cover planted so that the ground will be covered within three years or earth mounding (berms) an average of three and one-half feet in height planted with shrubs, or ground cover so that the ground will be covered within three years and produce a landscape at least three and one-half feet in height.
  - (b) Standards for URC-I, RVC, RC, SSB, and R Zones.

- (i) A minimum of two groupings 50 square feet each must be provided.
- (ii) A minimum of one tree in one group and two trees in the second group.
- (iii) Shrubs must be adequate to cover the minimum square footage requirement.

#### **14.25.080 Type III, Street Frontage in RVC in Alger.**

- (1) Description. Type III landscaping is intended to provide aesthetic enhancement, retain the natural landscape character and soften the appearance of streets, parking areas and building elevations of applications subject to this Section.
  - (a) An 8-foot-wide Type III buffer is required on the street frontage of all development within the Alger RVC zone. Stormwater biofiltration is encouraged to be incorporated into any landscaped area. Parking must be located to the side and rear of buildings or in on-street parking lanes. In the Rural Village Commercial area north of Alger Cain Lake Road, the pathway may be in the outside 20 feet of the 100-foot-wide Old State Route 99 right-of-way.
  - (b) Type III landscapes may be applied as conditions to discretionary land use applications.
- (2) Amount of Plantings.
  - (a) Street trees in the amount of 1 tree per 30 feet of street frontage. All street trees must be deciduous. Trees may be grouped informally to enhance the rural environment.
  - (b) Shrubs and groundcover so that the ground will be covered within 3 years.
- (3) Pedestrian and Bicycle Pathways.
  - (a) Street frontage must include a pedestrian pathway at least 5 feet wide. The pathway may be constructed of crushed rock or asphalt. In the Rural Village Commercial area north of Alger Cain Lake Road, the pathway may be in the outside 20 feet of the 100-foot-wide Old State Route 99 right-of-way. Bicycle paths north of Alger Cain Lake Road must be located within the inner 60-foot right-of-way.

#### **14.25.090 Type IV, Parking Areas.**

- (1) Description. Type IV landscaping is intended to provide relief and shade in parking areas.
- (2) Amount of Plantings. Applications within: RFS, RMI, AVR, AVR-L, NRI, BR-LI, BR-HI, and SRT zoning designations must have a minimum of 16 square feet of landscaping for every parking stall.
- (3) Design.
  - (a) Each area of landscaping must contain at least 100 square feet of area and must be at least 4 feet in any direction. The area must contain at least 1 tree at least 6 feet in height and with minimum size of 1 1/2 inches in caliper measured 6 inches above existing grade if deciduous. Deciduous trees must have a clear trunk at least 5 feet above the ground. The remaining ground area must be landscaped with a variety of plant materials to include low shrubs, 2 feet at maturity, perennials, annuals and ground cover.
  - (b) A landscaped area must be placed at the end of each parking row in a multiple lane parking area. This area must be at least 4 feet wide and must extend the length of the adjacent parking stall.
  - (c) If less than 6 stalls are required, a minimum of 100 square feet must be landscaped. The area does not need to meet the dimensional standards of Subsection (4)(d)(iii)(A) of this Section.
  - (d) Up to 100% of the trees proposed for the parking area may be deciduous.
  - (e) The trees must be protected from the public, either pedestrian or motor vehicles, by appropriate curbs, tree guards or other protective devices.

- (f) Applications within all other commercial/industrial zoning designations. For every 10 required stalls, a minimum of 200 square feet of landscaping must be provided including at least 3 trees and a mix of shrubs and groundcovers.

#### **14.25.100 Type V, Industrial Adjoining Residential in Bayview Ridge.**

- (1) Description. Type V landscaping is intended to provide a visual and noise buffer of industrial uses where they adjoin residential zones at Bayview Ridge.
- (2) Applicability. Type V landscaping is required along the entire property line for development within BR-LI or AVR-L where it abuts BR-R or RRv.
- (3) Requirements.
  - (a) Width. Plantings and screening must total 30 feet in width.
  - (b) Plantings.
    - (i) Existing vegetation within the required buffer width that functionally meets or exceeds these planting requirements must be retained.
    - (ii) At least three alternating rows of evergreen trees, with a minimum of two-and-one-half-inch caliper and planted at intervals of 20 feet or less on center.
    - (iii) Shrubs must be planted no more than five feet apart using plants that are at least three and one-half feet in height at the time of planting. A combination of plants and landscape materials must be placed so that the ground surrounding the shrubs will be covered within three years.
  - (c) Screening.
    - (i) A masonry, block, or textured concrete wall, or fully obscuring wood fence is required and must be architecturally integrated with colors and textures of the surrounding development.
    - (ii) Where existing vegetation exceeds 150 percent of the required landscaping width, no wall or fence is required.

## **Chapter 14.26 Parking**

### **14.26.010 Purpose**

The purposes of this chapter are:

- (1) to ensure that applicants provide sufficient off-street parking for their development;
- (2) to limit the amount of parking to minimize the creation of impervious surface consistent with the County's NPDES permit.

### **14.26.020 Applicability**

This chapter applies to applications for any project permit that would create parking demand, unless otherwise specified.

### **14.26.030 General Requirements.**

- (1) Off-street parking in conjunction with all land and building uses established after the enactment of this Title must be provided prior to the issuance of a certificate of occupancy as herein prescribed.
- (2) Off-street parking for other than residential use must be either on the same lot or within 200 feet of the building it is intended to serve, except for those cases where parking plans have been developed for a specific area.

- (3) Residential off-street parking spaces ~~may be enclosed or unenclosed, or consist of grass block pavers, may consist of a driveway or garage or a combination thereof,~~ and must be located on the lot they are intended to serve.
- (4) Any area or number of parking spaces once designated as required off-street parking may not be reduced to less than the required number of spaces for a similar new building or new use, nor changed to any other use unless and until equal parking facilities are provided elsewhere which conform to the requirements of this Section.
- (5) Two or more buildings or uses may collectively provide the required off-street parking, in which case, the required number of parking spaces must not be less than the sum of the requirements for the several individual uses computed separately. If the uses, structures, or parcels are under separate ownership, a deed, lease, contract or other appropriate written document must evidence the right to joint use of the parking space.
- (6) Minimum size of a standard parking space is 8.5 feet by 17 feet. Minimum size for a compact parking space is 8 feet by 16 feet.
- (7) When parking standards require 10 or more parking spaces, up to 40 percent of the off-street parking spaces required by this chapter may be designated for compact cars. Compact car parking stalls must be individually marked on the parking plan and must be clearly signed for use by compact cars only.
- (8) Handicapped parking spaces must be designated and constructed in accordance with WAC 51-30-1107 and 51-30-1108.

#### **14.26.040 Minimum Spaces Required.**

- (1) The minimum number of off-street parking for a use is determined by the following table:

<b>Use</b>	<b>Minimum Number of Spaces Required</b>
1. Single-Family Residence	2 per unit
2. Single-Family Residence with ADU(s)	3 total for combination of primary unit and ADU(s)
3. Duplex	2 per each dwelling unit
4. Townhome	2 per each dwelling unit
5. Bed and Breakfast	1 per guest room + 2 for residence
6. Hotel/Motel	1 per bedroom
7. Family Day Care Provider	2 per facility
8. Day Care Center	2 per facility + 1 per 20 children
9. Art Galleries and Studios	1 per 1,000 square feet
10. Professional Offices/Services	1 per 300 square feet
11. Marinas	1 per moorage slip
12. Indoor Recreation/Cultural	1 per 300 square feet
13. Primary/Junior High Schools	1 per classroom + 1 per 50 students
14. High Schools	1 per classroom + 1 per 10 students
15. Retail Stores	1 per 300 square feet
16. Gasoline Service Stations (without retail stores)	5 + 1 per service bay
17. Restaurants	1 per 75 square feet in dining or lounge areas
18. Manufacturing Uses	1 per 1,000 square feet
19. Warehousing	1 per 2,500 square feet
20. Other uses not specified above	As determined by Director based on anticipated parking demand

- (2) An applicant may request a modification of the minimum required number of parking spaces by demonstrating that parking demand can be met with a reduced parking requirement. In such cases,

the Director may approve a reduction of up to 50 percent of the minimum required number of spaces as an administrative decision. In areas where few cars are anticipated (such as saltwater islands not served by ferry), the parking requirement may be eliminated.

#### **14.26.050 Maximum Spaces Allowed.**

Parking for a specific use is limited to no more than 200 percent of the minimum parking required in SCC 14.26.040, except as provided below.

- (1) Restaurants and other prepared food uses may have up to 300 percent of the minimum parking required.
- (2) The Director may allow additional off-street parking spaces above the maximum amounts stated above if warranted by a traffic study or by recommended guidelines of the Institute of Transportation Engineers.
- (3) Parking spaces provided in a parking garage, or parking spaces provided using permeable pavement, are exempt from maximum parking limits.

## **Chapter 14.27 Pipeline safety**

#### **14.27.010 Applicability.**

This section applies to project permits for a project area wholly or partially within the Pipeline Consultation Area.

#### **14.27.020 Pipeline Consultation Area.**

The pipeline consultation area is the area within 100 feet of any hazardous liquid or natural gas transmission pipeline as depicted on the Skagit County pipeline consultation area map on file in the Department and available on the official County website.

#### **14.27.030 Requirements.**

- (1) The Department must not issue any permit for a land division or project permit for a project area wholly or partially within the pipeline consultation area unless it meets the following requirements:
  - (a) Consultation. Within 3 business days after determining the application complete, the Department must send a request for consultation to the operator of any pipeline within the pipeline consultation area. The request for consultation must include a project description, site plan, contact information for the applicant, and any required SEPA checklist. The Department must provide the applicant with a copy of the request for consultation and any response from the pipeline operator. The Department may only wait up to 15 days for a response from the pipeline operator before proceeding with processing the application. Consultation provides no additional authority to the Department to require changes to the application.
  - (b) SEPA. Any required SEPA environmental checklists must include reference to pipeline(s) within the pipeline consultation area and provide information concerning any impact the project will have on the pipeline(s).
  - (c) Title Notice. The applicant must record a title notice with the County Auditor that contains the following language: "The above-referenced property is located wholly or partially within the Skagit County Pipeline Consultation Area, defined by Skagit County Code as the area within 100 feet of any hazardous liquid or natural gas transmission pipelines." Forms for this title notice are available from the Department.
  - (d) Boundary Markers. To provide visual awareness of the easement boundary to a property owner and contractor during construction activities near the pipeline, easements must be identified and

protected prior to and during construction, by placement of temporary visual markers and on-site notices marking the boundary line of the easement area. Markers and on-site notices are subject to review by the Department prior to and during construction. Temporary screening, ground marking, or other similar methods satisfy the visual boundary marker requirement.

#### **14.27.040 Call-before-you-dig still required.**

Compliance with this chapter does not relieve an applicant of the obligation to comply with State call-before-you-dig laws (e.g., Chapter 19.122 RCW).

## **Chapter 14.28 Setbacks**

#### **14.28.010 Purpose**

The purpose of this chapter is to define standard distances from structures to property boundaries to provide safety, privacy, parking, and aesthetic harmony within communities and neighborhoods.

#### **14.28.020 Applicability**

This chapter applies to all buildings and structures and lots in unincorporated Skagit County.

#### **14.28.030 Setback Requirement**

- (1) An application for a project permit must observe the minimum setbacks applied by this chapter and adopted for the subject zone in Title 14 Division 1.
- (2) Effect of setback.
  - (a) No structure or portion of a structure may be located within the minimum setback applicable to a lot except as permitted in this chapter.
  - (b) The area within a setback must remain free of junk.
- (3) Measurement. All setbacks must be measured at right angles, or as near to right angles as possible, to the nearest property line in a plane horizontal to the ground.
- (4) Typical lot configurations. For a lot configuration that is substantially similar to a lot configuration shown in SCC 14.28.060, the Director must determine applicability of setbacks consistent with that section.
- (5) Atypical lot configurations. For a lot configuration that is not described in this Chapter, the Director must determine applicability of setbacks as an Administrative Decision in compliance with the following criteria:
  - (a) required setbacks must implement the purpose of the setback;
  - (b) required setbacks must not permit the placement of buildings on the site in a manner that will constitute a grant of special privileges inconsistent with the limitations placed on other properties in the vicinity and incompatible with surrounding uses.
- (6) Application of setbacks under this chapter may be modified by a variance, except that:
  - (a) A variance may not modify the 100 percent height of tower setbacks as required per Chapter 14.59 SCC for wireless facility services.
- (7) The Director may reduce setbacks within Natural Resource Lands when one or more of the following situations would otherwise preclude reasonable development of the property:
  - (a) Existing Structures. Existing structures are located within the setback area, and allowing new structures to be located within the setback area close to the existing structures will assist in resource operations.

- (b) Road Right-of-Way as Part of Building Setback Calculation. Where a natural resource land abuts right-of-way, the Director may reduce the setback by including the right-of-way footage in the setback calculation.
- (8) The setbacks described in this chapter are minimum setbacks. Other setbacks may be required by other code sections, including:
  - (a) The code section for the applicable zone in Title 14 Division 1;
  - (b) Chapter 14.24 SCC, Critical Areas;
  - (c) Chapter 14.48 SCC, Shorelines;
  - (d) Chapter 12.05 SCC, On-Site Sewage Code;
  - (e) drinking water code provisions for well protection in Chapter 12.48 SCC;
  - (f) the applicable building code adopted under SCC Title 15.

#### **14.28.040 Setback Exemptions**

- (1) The setback rules in this chapter (SCC 14.28.030 through 14.28.080) do not apply to:
  - (a) Fences six feet in height or less (except see SCC 14.14.200 for Guemes Island);
  - (b) Fences eight feet or less in height in the RVC, RC, RFS, SSB, RB, NRI, RMI, BR-LI, BR-HI, URC-I, AVR, and AVR-L zones;
  - (c) Retaining walls four feet in height or less, measured from top of footer to top of wall;
  - (d) Freestanding signs;
  - (e) Paved areas;
  - (f) Landscaping;
  - (g) Bus stops and shelters;
  - (h) Electrical equipment cabinets and similar utility boxes and vaults;
  - (i) Elective vehicle charging stations;
  - (j) Fire hydrants and associated appendages;
  - (k) Light poles and flagpoles;
  - (l) Mailboxes, newspaper boxes, and free neighborhood book exchange boxes;
  - (m) Trellises and open, unroofed gazebos not exceeding eight feet in height;
  - (n) Utility poles and lines;
  - (o) Underground utilities and sprinkler systems;
  - (p) Uncovered ramps added to an existing building for the specific purpose of accessibility for persons with disabilities when no other reasonable location is available;
  - (q) Rockeries and retaining walls;
  - (r) Stormwater facilities and elements of stormwater best management practices, unless a minimum setback is otherwise specified in this title or in the Stormwater Management Manual.

#### **14.28.050 Types of setbacks**

There are four types of setbacks regulated by this chapter:

##### **(1) Front Setback**

- (a) A front setback is required from the lot line that contains the lot's primary access from a:

- (i) highway;
  - (ii) City street;
  - (iii) County road; or
  - (iv) a private road that appears on the County's private road list.
- (b) A front setback is measured from the street right-of-way to a line parallel to and measured perpendicularly from the street right-of-way at the depth prescribed for each zone.

**(2) Secondary Front Setback**

- (a) A secondary front setback is required from a lot line that does not contain the lot's primary access but has frontage on a:
- (i) highway;
  - (ii) City street;
  - (iii) County road; or
  - (iv) a private road that appears on the County's private road list.
- (b) The secondary front setback is always 10 feet, except where the secondary front setback would be opposite the front setback, a rear setback is required if it would be larger than a secondary front setback (see, e.g., through lot in Figure 14.28.060-2).

**(3) Interior Side Setback**

- (a) An interior side setback is required from all lot lines that do not have front or rear setbacks.
- (b) The interior side setback is measured from the interior side lot line adjacent to another property to a line parallel to and measured perpendicularly from the interior side lot lines at the depth prescribed for each zone.
- (c) Exception: No interior side setback is required between individual units within a townhouse building, where allowed.

**(4) Rear Setback**

- (a) A rear setback is required from the lot line opposite the lot line having the front setback.
- (b) The rear setback is measured from a line parallel to and measured perpendicularly from the rear lot line at the depth prescribed for each zone.
- (c) Not all lot shapes require rear setbacks, e.g., triangle lots (see 14.28.060(3)).

**14.28.060 Typical lot configurations**

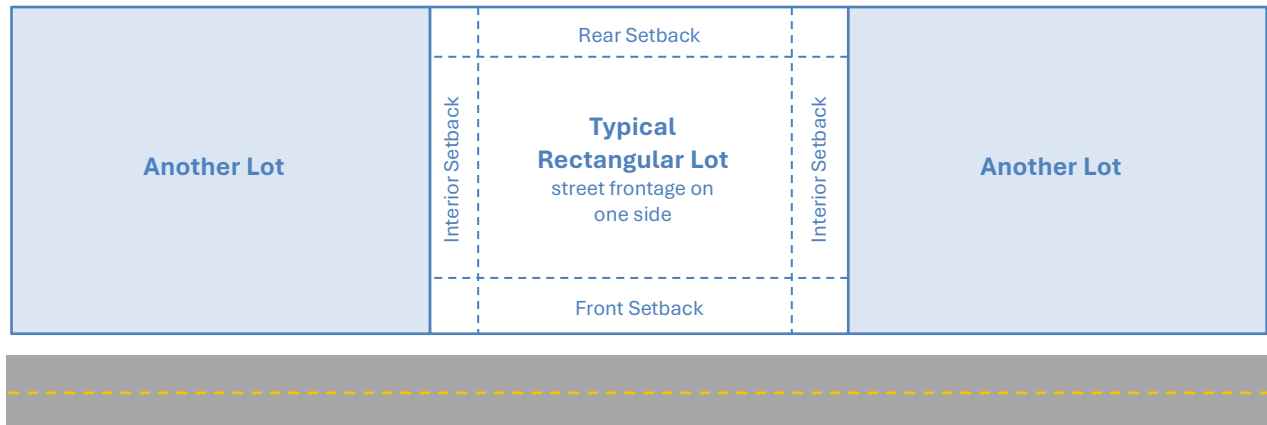
This section demonstrates the applicability of setbacks to typical lot shapes and configurations.



## (1) Typical Rectangular Lot

- (a) This subsection applies to a lot that is roughly rectangular and has frontage on a single street.
- (b) The lot has a front setback from the street on which it has frontage.
- (c) The lot has a rear setback from the lot line opposite from the street frontage.
- (d) The lot has interior side setbacks from the other lot lines.

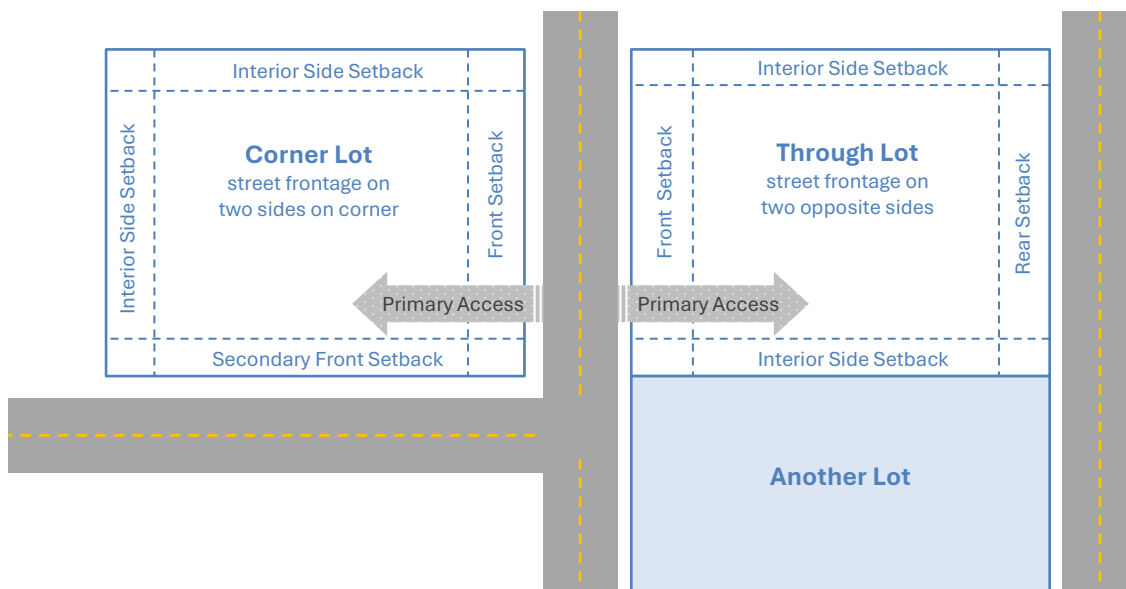
Figure 14.28.060-1



## (2) Corner Rectangular Lot or Through Lot

- (a) This subsection applies to a lot that is roughly rectangular and has frontage on two streets, either on a corner or on opposite sides.
- (b) The lot has a front setback from the street that provides the property's primary access. The other opposite frontage has a rear setback.
- (c) The lot has a rear setback from the lot line opposite the street that provides the property's primary access, except if that lot line is on a street, the setback is a side street setback.
- (d) The lot has interior side setback(s) from the other side(s) of such a lot.

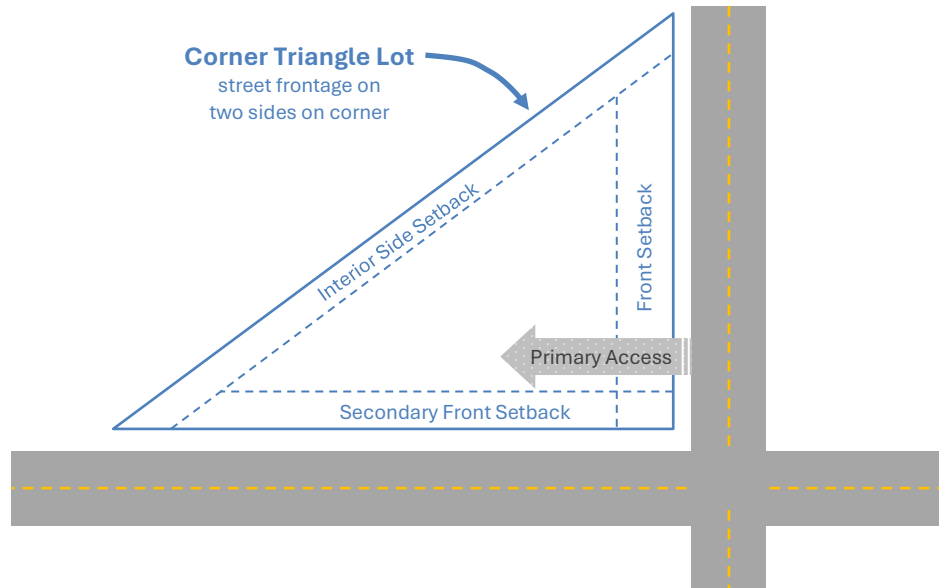
Figure 14.28.060-2



### (3) Corner Triangle Lot

- (a) This subsection applies to a lot that is roughly triangular and has frontage on two streets, on a corner.
- (b) The lot has a street setback from the street that provides the property's primary access.
- (c) The lot has no rear setback.
- (d) The lot has an interior side setback from the lot line opposite the road intersections.

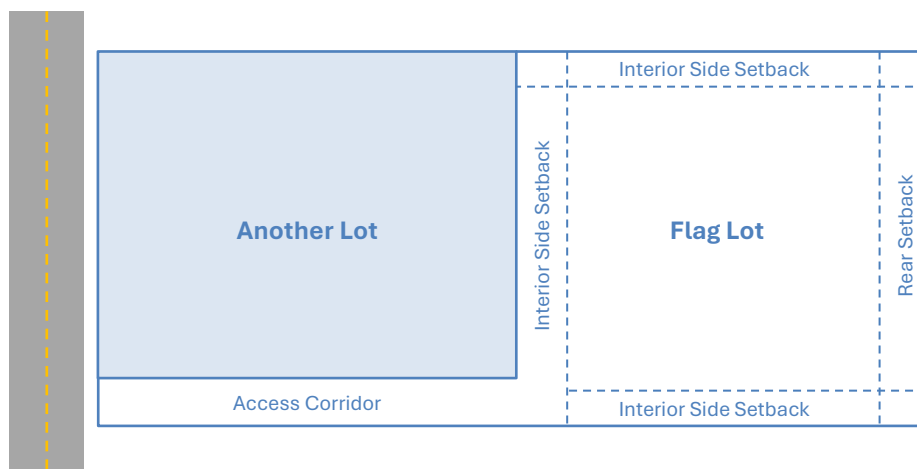
Figure 14.28.060-3



### (4) Flag ("Panhandled") Lot and Landlocked Lot

- (a) This subsection applies to a lot that sits behind another lot and obtains access to the main access road via (a) an access up to 30 ft wide that is a portion of the lot or (b) via an access easement that is not a portion of the lot.
- (b) The lot does not have a street setback or side street setback.
- (c) The lot has a rear setback from the lot line opposite from the access corridor (the pole of the flag).
- (d) The lot has interior side setbacks from all other lot lines.

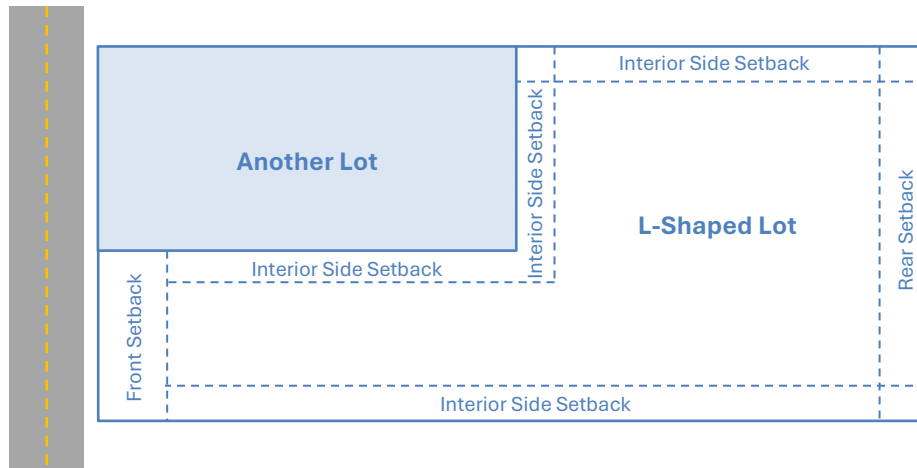
Figure 14.28.060-4



##### (5) L-Shaped Lot

- (a) This subsection applies to a lot that sits behind another lot and has frontage upon a street with a portion of the lot that is narrower than most of the lot, where the narrower portion of the lot is 30 ft or more in width.
- (b) The lot has a street setback from the street that provides the property's primary access.
- (c) The lot has a rear setback from the lot line opposite the street.
- (d) The lot has interior side setbacks from all other lot lines.

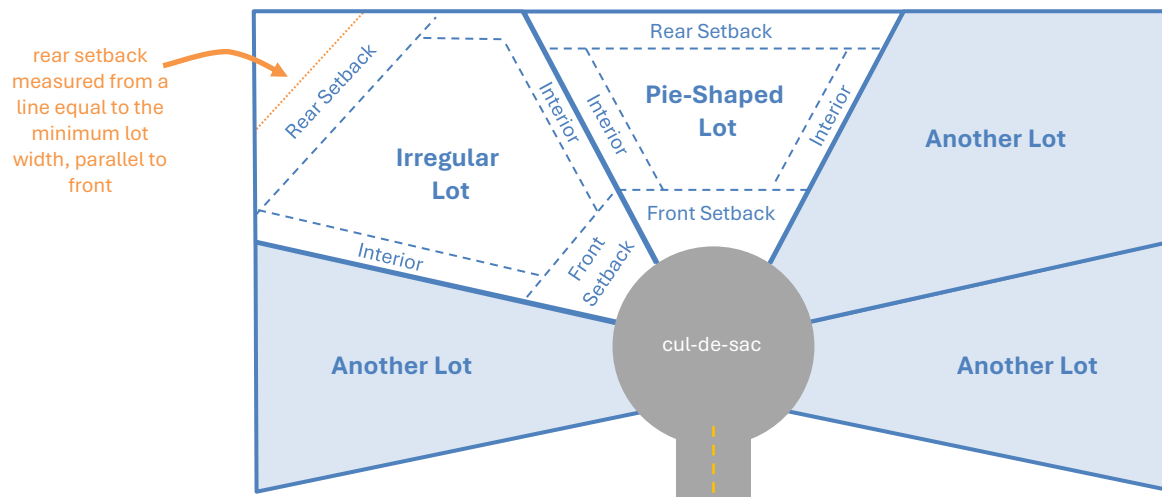
Figure 14.28.060-5



##### (6) Pie-Shaped Lot or Other Irregular Lot

- (a) This subsection applies to a lot that is narrower at one end than the other, as is typical of lots arranged around a circular cul-de-sac, and may be applied to other such irregularly shaped lots.
- (b) The lot has a street setback (or side street setback) from the street (e.g., from the cul-de-sac).
- (c) The lot has a rear setback on the side or corner opposite from the cul-de-sac. For a corner, the rear setback must be measured from a line that is the length of the minimum lot width for the zone, within the lot, that is parallel to and at the maximum distance from the front lot line.
- (d) The lot has interior side setbacks from all other lot lines.

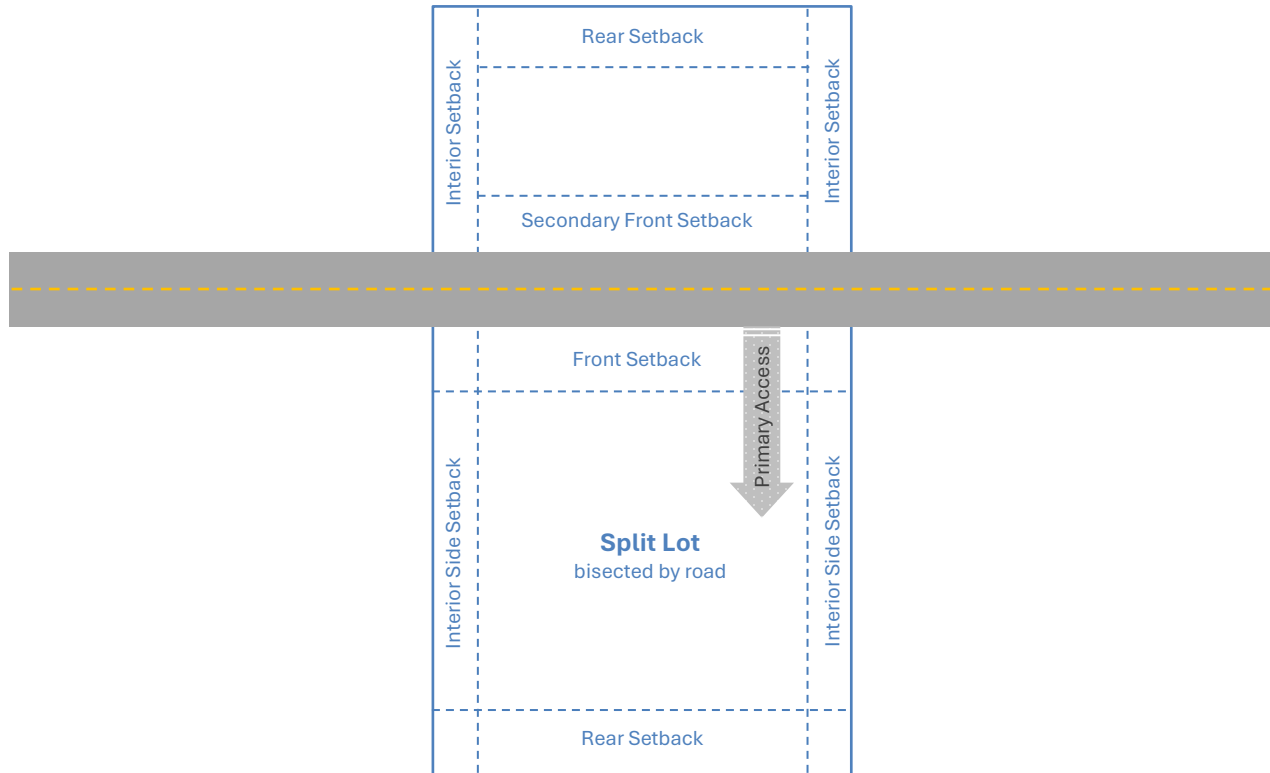
Figure 14.28.060-6



## (7) Split Lot

- (a) This subsection applies to a lot that is bisected by a highway, county road, or private road that appears on the County's private road list.
- (b) The lot has a street setback from the street on the portion of the lot with the lot's primary access. The other frontage has a secondary/rear setback.
- (c) The lot has a secondary/rear setback from either lot line opposite the street.
- (d) The lot has interior side setback(s) from the other side(s) of such a lot.

**Figure 14.28.060-7**



### 14.28.070 Allowed projections into setbacks

- (1) The following elements may project into the required setback a distance of not more than 30% of the required setback, and in no case may they be closer than 2 feet to any lot line:
  - (a) cornices;
  - (b) canopies;
  - (c) eaves;
  - (d) sills;
  - (e) fireplaces;
  - (f) flues;
  - (g) ornamental features; and
  - (h) other similar features.
- (2) The following elements may project into the required setback up to 1 foot from the property line:

- (a) uncovered and unenclosed ground-story porches and decks that are less than 30 inches above grade.

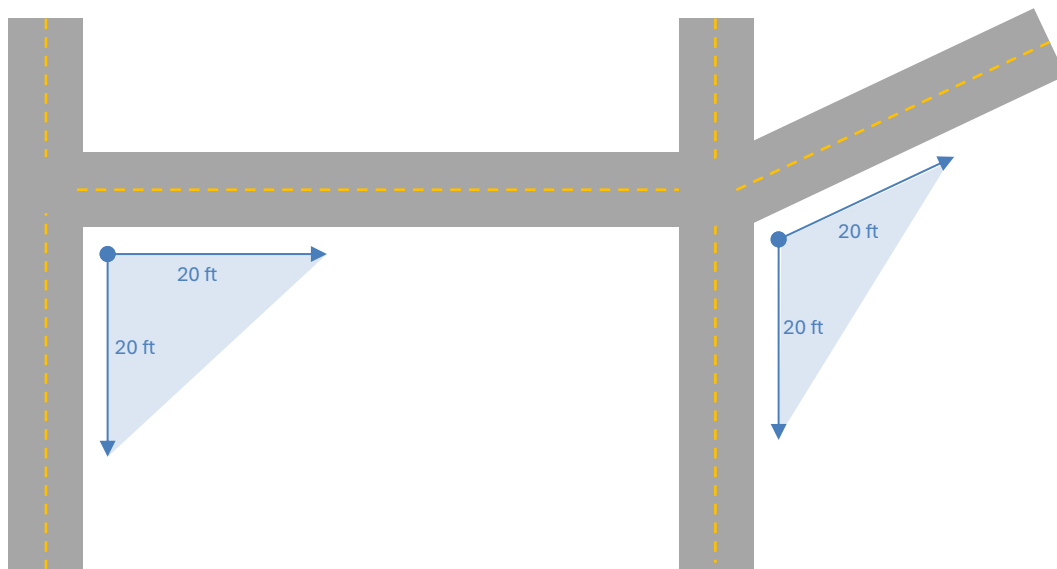
#### 14.28.080 Agreement in Lieu of Setback

- (1) In lieu of observing an interior or secondary/rear setback, an applicant may include in their application an agreement with the adjoining property owner(s) that would otherwise benefit from the setback.
- (2) The agreement must contain:
  - (a) identification of the owners of the properties involved;
  - (b) the legal description of the grantor's property;
  - (c) the legal description of the grantee's property;
  - (d) a description of the subject structure;
  - (e) a promise by the grantor, binding on grantor's heirs, successors, and assigns, to not object to grantee's construction of the subject structure within the standard setback;
  - (f) a right of grantee's access to maintain the subject structure.
- (3) The agreement must be executed by all owners of both properties, acknowledged, and recorded.
- (4) Minimum building separation under the applicable building code must be maintained.

#### 14.28.110 Sight triangle at intersections.

At the intersection of public roads, nothing may be erected, placed, planted, or allowed to grow in such a manner as to materially impair vision between a height of 2.5 feet and 10 feet above the centerline grades of the intersecting streets within a triangle formed by the road right-of-way lines of such corner lots and a diagonal line joining points located 20 ft from the point of their intersection.

Figure 14.28.090-1 Vision Triangle Examples



#### 14.28.120 Exclusion from easements.

- (1) An application for a project permit may not locate any structure (including any portion of a structure, such as roof overhangs) within an easement that prohibits such a structure.
- (2) The County may deny an application that proposes a structure in conflict with this section when, in the County's judgment, the proposed structure is contrary to the terms of the easement.

(3) Limitations. This section:

- (a) does not create any right to enforcement of a private easement by the grantor or any third party;
- (b) may not be the basis for the grantor's or a third party's appeal of a decision on a project permit application.

## **Chapter 14.29 Signs**

### **14.29.010 Purpose.**

This Section regulates the construction, erection, maintenance, electrification, illumination, type, size, number and locations of signs in order to protect the health, safety, property and welfare of the public as well as to ensure that Skagit County retains a neat, orderly and attractive appearance. The intent of these provisions is to preserve and enhance the rural character, unique scenic beauty and the business, recreational, educational, and tourism potential of the County.

### **14.29.020 Definitions.**

The sign definitions in the currently adopted International Building Code (Appendix H) are hereby adopted by reference.

### **14.29.030 Application Requirements**

- (1) An applicant must file an application for a building permit, where applicable.
- (2) The application must include plans showing:
  - (a) the location by street address of the proposed sign;
  - (b) area of the sign;
  - (c) size and character;
  - (d) method of illumination, if any
  - (e) the exact location proposed for such sign;
  - (f) in the case of a projecting sign, the proposed method of fastening said sign to the building structure;
  - (g) the vertical distance between such sign and the finished grade;
  - (h) the horizontal distance between such sign and the street right-of-way;
  - (i) in the case of off-premises signs, the written consent of the property owner for the erection of such sign;
  - (j) a description (size, design, illumination) and depiction of the location of other signs within 1,000 feet of the proposed sign.

### **14.29.040 Maintenance, Removal, and Non-conforming Signs**

- (1) Sign Maintenance. All signs for which a permit is required, including their supports, braces, guys, and anchors must be kept in good condition. Illuminated devices must be maintained in good working order. Permitted signs are subject to applicable landscaping requirements of Chapter 14.25 SCC. If the Building Official finds any sign regulated under this Section to be unsafe or unsecured, he or she must give written notice of such findings to the owner, agent, or lessee thereof. If the owner, agent or lessee fails to remove or alter the sign so as to comply with the standards herein after 30 days' notice, such sign or other advertising structure may be removed or altered to comply by the Director at the expense of the owner, agent, or lessee. Such expense constitutes a lien against the property. The

Director may cause any sign or other advertising structure that is an immediate peril to persons or property to be removed immediately.

- (2) **Removal of Illegally Established Signs.** Signs established in violation of this Subsection may be immediately removed by the Building Official under the authority of the adopted building code if an immediate health and life safety issue is identified.
- (3) **Removal of Abandoned Signs.** If a building, structure, or premises is abandoned consistent with SCC Chapter 14.07, the owner of said property is responsible for removing any commercial sign or signs located thereon with the exception of permitted off-premises signs or advertisements associated with the sale or lease of that facility.
- (4) **Nonconforming Signs.** Nonconforming signs are regulated as follows:
  - (a) **On-Premises Nonconforming Signs.** Legally established nonconforming on-premises signs must be allowed to continue consistent with the provisions of SCC 14.07.
  - (b) **Off-Premises Nonconforming Signs.** Nonconforming off-premises signs must comply with the provisions of this Chapter within 3 years from the date of adoption. Upon failure to comply with the sign code within the specified time period, the Director may remove such signs or enforce this provision pursuant to Chapter 14.09 SCC. Exceptions:
    - (i) Off-premises signs established and maintained under a valid special use permit may continue consistent with the conditions of approval.
    - (ii) Off-premises signs located along State highways subject to the Highway Advertising Control Act – Scenic Vistas Act, including billboards, may continue consistent with the provisions governing such signs under RCW 47.42.107.

#### **14.29.050 General Sign Regulations.**

The following general requirements apply to sign regulations in all zones in Skagit County.

- (1) **Highway Advertising Control Act—Scenic Vista Act.** Signs in areas adjacent to State and Federal highways are restricted by Chapter 47.42 RCW.
- (2) **Conformity to Adopted Building Codes.** All signs and other advertising structures must be constructed and maintained in strict conformity with building code(s) as adopted and referenced in Chapter 15.04 SCC.
- (3) **Building Permits.** Building permits are required for the erection, alteration, or reconstruction of wall-mounted signs, electrified signs and freestanding signs as required by the currently adopted International Building Code. Freestanding signs less than seven feet in height and wall-mounted signs that do not project from the building do not require a building permit. A change in information on the face of an existing sign does not constitute an alteration.
- (4) **Identification of Permitted Signs.** The number of the sign permit must be painted or otherwise affixed on the sign requiring a permit. The permit number must be in letters of not less than 1/2 inch or more than 3 inches in height and must be easily visible to the Building Official.
- (5) **Sight Distance.** Signs must not obstruct road sight distances within the sight triangle of any intersection in accordance with Skagit County road standards and must not be located within a public right-of-way.
- (6) **Traffic Safety.** No sign may be erected or allowed that obstructs the sight distance along a public right-of-way. No sign may by its location, color or nature, tend to be confused with or obstruct the view of traffic signals or signs, or to be confused with a flashing light of an emergency vehicle. In addition, no sign may, by its nature or moving parts, tend to confuse motorists, or create any potential hazard to motorists, or use admonitions such as “stop,” “go,” “slow,” “danger,” etc., which might be confused with traffic directional signals.

- (7) **Illumination.** Illumination of signs must be consistent with the general provisions of this Subsection and maintain the rural character of the area. Signs must be shaded, shielded or directed so the light intensity or brightness must not adversely affect surrounding properties or public and private rights-of-way or create a hazard or nuisance to the traveling public or to surrounding properties. Illumination must be in compliance with SCC 14.16.840, Performance standards.
- (8) **Moving Signs.** No revolving or rotating beacon of light that resembles or simulates any emergency light device must be permitted as part of a sign. Flashing devices, strobe lights, and searchlights must not be permitted; however, illuminated signs are allowed which indicate customary public information. Neon lighting or accent lighting may be used to advertise commercial or industrial businesses provided the lighting is compatible with the surrounding rural development, nearby permitted rural signage and all other signage requirements.
- (9) **Measurement of Sign Area.** The following method must be utilized in calculating sign area:
  - (a) The square footage of a sign made up of letters, words or symbols within a frame must be determined from the outside edge of the frame itself.
  - (b) The square footage of a sign composed only of letters, words or symbols must be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words, or symbols.
  - (c) Double or multi-faced signs must be calculated as the maximum area visible from any single direction at any point in time.
  - (d) For freestanding signs, the height must be measured from the elevation of the crown of the nearest public street to the highest point of the freestanding sign or its supporting structure.
  - (e) Signs attached to or painted against the overall structure to which they relate must be computed as a part of the overall total square footage of allowable signage, or the number of signs allowed. Signs painted on buildings must be measured by the smallest polygon enclosing the letters and symbols of the sign.

#### **14.29.060 Exempt Signs.**

The signs listed in this section are exempt from the permit requirements and standards of this chapter but must comply with SCC 14.29.050(5) Sight Distance and 14.29.050(6) Traffic Safety and may not be illuminated. If an applicant desires a sign that does not meet the terms of an exemption below, the applicant must apply for a permit for a non-exempt sign and meet the other requirements of this chapter.

- (1) **Official Public Signs.** Signs that regulate traffic, legal notices and official instruments, signs established by government agencies, signs indicating bus stops and other similar transportation facilities, etc., are exempt.
- (2) **Community Identification Signs.** Community identification signs are exempt, provided they are 60 square feet or less in size. In the Alger Community Planning area, community identification signs must be 40 square feet or less in size.
- (3) **Temporary Political Signs.** Temporary political signs located on private property are exempt; provided, that such signs may not exceed 32 square feet in area nor 48 inches in vertical dimension, and may be located no higher than 8 feet above the surrounding ground.
- (4) **Product Signs.** Signs incorporated on machinery or equipment at the manufacturer's or distributor's level, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks and gasoline pumps.
- (5) **Real Estate Signs Requirements.** Real estate signs are permitted for the sales of individual lots in all zones; provided, they must be located on the property to which they apply. Residential real estate signs may not exceed 6 square feet and must be removed upon the closing of the home sale. Commercial real estate signs may not be greater than 16 square feet in size.



- (6) Attention-Getting Devices. The use of pennants, flags, and banners is prohibited for ongoing continuous use in conjunction with commercial or industrial facilities, but is allowed in conjunction with the opening of a new place of business or for special events for 14 continuous days. Such pennants, flags or banners must be secured to the building and may not be strung across the property.
- (7) Temporary Signs Advertising a Special or Community Event. Signs that display the date, time, location, and sponsor of special events of community interest. Such signs must be designed so that they do not hinder the visibility of other signage, are compatible with the surrounding environment and are consistent with community aesthetic sensibilities. Such signs may not remain more than 14 days prior to or 7 days after the date of the event.
- (8) Miscellaneous Temporary Signs. On-premises non-illuminated temporary signs advertising religious, charitable, civic, fraternal, political or similar organizational events not to exceed 45 days per year. Such signs may be 16 square feet in size. The height may not exceed 15 feet.
- (9) Off-Premises Directional Signs. Directional signs must identify the place (e.g., Alger), arrow, and mileage. Such signs may be placed only at critical intersections and may be no larger than 6 inches by 24 inches.
- (10) Open House Real Estate Signs. Open house real estate signs must be installed on the day of the open house and must be removed at the end of the day when the open house is over.
- (11) Institutional or church signs provided they are not over 32 square feet in size, not greater than 15 feet in height and limited to only 1 per lot.

#### **14.29.070 Prohibited Signs.**

The following signs are prohibited:

- (1) Billboards except when specifically permitted per Title 14 Division 1 or in the Master Planned Resort zone.
- (2) Abandoned signs.
- (3) Flashing, revolving, animated or moving signs.
- (4) Strobe lights, searchlights, and revolving lights.
- (5) Private directional signs except those on-site that regulate traffic and parking (exit, entrance, parking in rear) not to exceed 4 square feet.
- (6) Rooftop signs erected upon the roof of a building, or a sign attached to a building which projects vertically above the roof, eave, awning or parapet. This does not include signs attached to the vertical face of a parapet, awning or canopy; providing, that it does not project above the parapet, awning or canopy. Painted rooftop signs are not allowed.

#### **14.29.080 On-Premises Signs.**

- (1) On-premises signs display only advertising copy strictly incidental to the lawful use of the premises on which it is located and may contain, unless otherwise prohibited, any or all of the following information:
  - (a) The name of the owner, occupant, management, or firm occupying the premises;
  - (b) The address of the use;
  - (c) The kind or name of the business and/or the brand name of the principal commodities sold or produced on the premises; and
  - (d) Other information relative to a service or activity involved in the conduct of the business.
- (2) On-Premises Sign Requirements.

- (a) Signs Associated with Residential Land Use. Residential uses are allowed to post 1 non-illuminated sign not to exceed 4 square feet.
- (b) Tourism-Related Signs in the Rural Freeway Services Zone. One freeway-oriented advertising sign per business may be permitted in the Rural Freeway Services zone; provided, that the business must establish that it is a tourist-oriented business, i.e., that it satisfies a need of the traveling public and that it relies on the traveling consumer for a significant portion of its business. The height of such signs may be up to 60 feet to accommodate viewing from vehicles traveling on the interstate. Rural Freeway Service signs must be no larger than 168 square feet in size. New RFS signs must be distanced at least 660 feet from other existing RFS signs unless lot configuration would preclude reasonable development of a sign on individual lots.
- (c) Tourism-Related Signs Associated with Commercial and Industrial Development. Lawfully established commercial and industrial businesses located along 4-lane State highways may be permitted 1 highway-oriented advertising sign per business consistent with the standards described above under (b) of this subsection pursuant to approval of an administrative special use permit.
- (d) Seasonal Roadside Stands. Nonilluminated on-premises signs, excluding banners, are allowed to advertise a seasonal roadside stand; provided, that the collective square footage of the signs must be no greater than 32 square feet. Regulations regarding off-premises seasonal roadside signs are outlined in SCC 14.29.110(3)(b).
- (e) Subdivision Real Estate Sales Signs. Real estate signs advertising the sale of lots located within a subdivision are permitted; provided, that there may be no more than 1 sign per subdivision entrance, and each sign must be no greater than 32 square feet in area and no greater than 8 feet in height. Real estate signs must be removed upon the closing of subdivision sales. One sign no larger than 12 square feet may also be installed off-premises in order to direct visitors to the property. Regulations regarding off-premises real estate signs are outlined in SCC 14.29.110(3)(a) of this Subsection.
- (f) Tourism-Related Signs in the Master Planned Resort Zone. Master planned resort developments located along 4-lane State highways or State Route 20 may be permitted 1 highway-oriented advertising sign per business consistent with the standards described above under Subsection (2)(b) of this Section pursuant to approval of an administrative special use permit.

#### **14.29.090 Commercial Business Signs.**

Each operating enterprise, institution or business must be permitted to have 2 on-site business identification signs per building entrance and 1 off-premises sign as defined and regulated by SCC 14.29.110 unless otherwise provided herein. In the Rural Village Residential and Commercial zones, each operating enterprise, institution or business must be permitted to have 1 on-site business identification sign per building entrance and 1 off-premises sign as defined and regulated by SCC 14.29.110 unless otherwise provided herein. Business signs must be incorporated into the landscaping of the site when landscaping is provided and should be designed to reflect the surrounding rural character in design and size. In addition to the other requirements of this Subsection, business signs are subject to the following size requirements:

- (1) Maximum wall sign area must not exceed 2 square feet for each lineal foot of the building wall on which the sign is attached, not to exceed 40 square feet. In the Rural Village Commercial zone in Alger, wall signs may be up to 4 square feet for each lineal foot of the building wall.
- (2) Maximum freestanding sign area must not exceed 1 square foot for each 5 lineal feet of street frontage, not to exceed 40 square feet except for tourism-related signs subject to the provisions of SCC 14.29.080(2)(b), (c), and (f). In the Rural Village Commercial and Rural Village Residential areas of Alger, maximum freestanding sign area must not exceed 20 square feet and must be no higher than 12 feet.

- (3) Under canopy sign area and dimensions must be 1 square foot for each lineal foot of the width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the wall. Minimum vertical clearance between the lower edge of an under canopy sign and the ground must be 8 feet.

#### **14.29.100 Signs Advertising Industrial Businesses.**

The following requirements govern signage for industries:

- (1) One building identification sign for each building is permitted; provided, that no sign may exceed 25 square feet in area.
- (2) Each enterprise, institution or franchise is permitted wall signs, 1 under canopy sign per street frontage and 1 freestanding sign each, subject to the following minimum size requirements. (Note: Multiple businesses in the same building must apportion facade length, building, wall and street frontage such that any maximum is not exceeded for a particular property.)
- (3) Maximum size.
  - (a) Maximum wall sign area may not exceed 3 square feet for each lineal foot of the building wall on which the sign is attached.
  - (b) Maximum projecting sign area is 1 square foot for each 2 lineal feet of building wall on which the sign projects, not to exceed 64 square feet. The total area of the projecting sign must be subtracted from the permitted total of the facade signs.
  - (c) Freestanding signs must have a maximum of 1 square foot for each lineal foot of street frontage, not to exceed 150 square feet.
  - (d) For under canopy signs, the maximum sign area must be 1 square foot for each lineal foot of width of canopy, awning, marquee or similar structure from which the sign is suspended, measured perpendicular to the building wall.
  - (e) The minimum vertical clearance between the lower edge of an under canopy sign and the ground must be 8 feet.

#### **14.29.110 Off-Premises Signs**

- (1) An off-premises sign is a sign structure or billboard advertising an establishment, merchandise, service, or entertainment which is sold, produced, manufactured, or furnished at a place other than the property of which the sign or billboard is located.
- (2) General Requirements. Off-premises signs must conform to the following requirements:
  - (a) Lighted signs must be effectively shielded to prevent light from being directed at any portion of the highway right-of-way, or be of such intensity or brilliance to cause or to otherwise interfere or impair a driver's vision.
  - (b) Maximum height of 15 feet, except as otherwise permitted.
  - (c) Only 1 off-premises sign may be permitted per parcel.
- (3) Special Off-Premises Sign Requirements.
  - (a) Real Estate Signs. One off-premises sign advertising the sale of lots located within a subdivision may be permitted after final plat approval provided the sign is established with the approval of the property owner. Each off-premises real estate sign may be no greater than 32 square feet in area, and may be no greater than 8 feet in height. Such signs may be erected no longer than a period of 1 year unless the subdivision is larger than 40 lots and then the maximum time frame for the temporary sign is 2 years. Real estate signs must be removed upon closing of the sale of the lots in the subdivision should this occur earlier than the allowed time frame.

- (b) Temporary Advertising for Seasonal Roadside Stand. Two temporary off-site signs may be used to advertise seasonal roadside stands so long as the sign is removed after the growing season and is no larger than 16 square feet.
- (c) Billboard Sign Requirements. Billboards are outdoor advertising structures advertising an establishment, merchandise, service, or entertainment which is sold, produced or manufactured and/or furnished at a place other than on the property of which the billboard is located. Billboards must meet the following requirements:
  - (i) Sign surface area: maximum 300 square feet per face.
  - (ii) Maximum number of signs: 1 sign per structure, which may be single- or double-faced.
  - (iii) Maximum height: 40 feet.
  - (iv) Minimum setback: 45 feet from the nearest right-of-way line; and 100 feet from the right-of-way line intersection point measured at any angle.
  - (v) Minimum spacing: 500 feet on the same side of the road from another billboard.
  - (vi) Only 1 sign is allowed to face the same direction per location. This allows back-to-back or “V” formation, but prohibits 2 signs (side-by-side) facing the same location.

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# Division 3 Land Management

## Chapter 14.30 Land Disturbance

*Recodify existing chapter 14.22 into this new chapter and modify the cross reference in the section noted below.*

### **14.30.040 Development standards.**

- (1) *No change.*
- (2) Activities subject to this Chapter must comply with all applicable Federal, State, and local laws and regulations, including the following:
  - (a) *No change.*
  - (b) *No change.*
  - (c) *No change.*
  - (d) *No change.*
  - (e) SCC Chapter 14.3666, Public Works Standards.
  - (f) *No change.*
  - (g) *No change.*
- (3) *No change.*
- (4) *No change.*
- (5) *No change.*

## Chapter 14.32 Stormwater\*

*No change to this chapter except the cross references in the sections noted below.*

### **14.32.040 Stormwater Management Manual**

- (1) *No change.*
- (2) Within the Airport Environs Overlay the provisions of ~~SCC 14.16.210(3)(c)(iii)~~ SCC 14.14.100(3)(c)(iii) apply.

### **14.32.150 Stormwater conveyance**

- (1) *No change.*
- (2) *No change.*
- (3) *No change.*
- (4) Regional Facilities.
  - (a) *No change.*
  - (b) Regional facilities are designed, reviewed, and approved based on impervious surfaces anticipated with full development within the basin that drains to the facility.
    - (i) *No change.*
    - (ii) *No change.*

- (iii) *No change.*
- (iv) A development agreement pursuant to SCC Chapter 14.1458 may include appropriate provisions to ensure re-review and, if warranted, additional runoff treatment and/or flow control to ensure compliance with stormwater requirements and standards that may apply to future development. Provisions of any development agreements must allow for and ensure compliance with the permit.
- (c) *No change.*
- (d) *No change.*

#### **14.32.160 Final inspections and approval.**

- (1) *No change.*
- (2) Inspections of Stormwater Facilities.
  - (a) *No change.*
  - (b) *No change.*
  - (c) *No change.*
  - (d) Whenever there is cause to believe that a violation of this Chapter has been or is being committed, the County may inspect per SCC Chapter ~~14.44, Enforcement/Penalties~~ 14.09 Enforcement Procedures.
  - (e) *No change.*
- (3) *No change.*

## **Chapter 14.34 Flood Damage Prevention\***

*No change to this chapter except the sections shown below. Appendix A, Chapter 14.34 SCC Construction Specifications for Critter Pads (Livestock Flood Sanctuary Areas), is deleted.*

#### **14.34.005 Definitions.**

~~Refer to Chapter 14.04 SCC for definitions of terms used in this Chapter.~~

The definitions in this section apply throughout this chapter and control over any conflicting definitions in SCC 14.04.020.

“Agricultural building” means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure may not be a place of human habitation nor a place of employment, nor may it be a place used by the public.

“Base flood” means a flood having a 1% chance of being equaled or exceeded in any given year.

“Base flood elevation” or “BFE” means the height of the base flood in relation to the National Geodetic Vertical Datum of 1929. Also defined as the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, V, and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year.

“Basement” means any area of the building, including any sunken room or sunken portion of a room, having its floor below ground level (subgrade) on all sides.

“Breakaway wall” means a wall or partition located below base flood elevation and designed to break away under high tides or wave action without causing damage to the structural system or elements of the building. Such walls must be designed for not less than 10 pounds per square foot or more than 20 pounds per square foot on the vertical projected area.

“Critter pad” means a livestock flood sanctuary area.

“Development” means construction or exterior alteration of structures, dredging, drilling, dumping, filling, earth movement, clearing or removal of vegetation (except activities meeting the definition of forest practices), storage of materials or equipment in a designated floodway, or other site disturbance, other than internal logging roads, which either requires a permit, approval or authorization from the County or is proposed by a public agency.

“Elevate” means to raise a building (without a basement) above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

“Elevation certificate” means a certified record of the actual elevation of a structure in relation to mean sea level of the lowest habitable floor or horizontal supporting member.

“Encroachment” means any fill, structure, building, use, accessory use, or development in the floodplain or watercourse where, combined with all other existing development, increases the base flood elevation more than 1 foot at any point. Encroachments are prohibited in regulatory floodways.

“Flood” or “flooding”: a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation of runoff or surface waters from any source.

“Flood Insurance Rate Map” or “FIRM” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary floodway map, and the water surface elevation of the base flood.

“Floodplain management” means a long-term local government program to reduce flood damages to life and property and to minimize public expenses due to floods through a comprehensive system of planning, development regulations, building standards, structural works, and monitoring and warning systems.

“Floodway” means the river channel and adjacent overbank areas through which the base flood is discharged without cumulatively increasing the water surface elevation more than 1 foot. Floodways identified on flood boundary and floodway maps (FBFM) become “regulatory floodways” within which encroachment or obstructions are prohibited.

“Lowest floor” means the lowest floor of the lowest enclosed area (including a basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor if such enclosure is not built so as to render the structure in violation of requirements.

“Manufactured home” means a structure built on a permanent chassis, transported to its site in 1 or more sections, and affixed to a permanent foundation. “Manufactured home” does not include recreational vehicles.

“New construction” means a structure for which the start of construction commenced on or after the effective date of the ordinance codified in this chapter.

“Professional engineer” means a person who is qualified to practice civil engineering as attested by the engineer’s legal registration as a professional engineer in the State of Washington.

“Repair” means the reconstruction of a part of an existing building for the purpose of its maintenance or as a result of damage. Repair may include replacement of individual components of an assembly, such as components of a wall or a roof, but does not include replacement of the entire assembly. Where repair is required to more than 75% of the assembly, the assembly is considered to be replaced.

“Repetitive loss structure” means a National Flood Insurance Program (NFIP)-insured structure that has had at least two paid flood losses of more than \$1,000 each in any 10-year period since 1978.

“Replacement” means to put something new in place of something existing as a substitute, such as a building or structure, or part of a building or structure. When the value or extent of the work proposed, as determined by the Department, exceeds 75% of the preconstruction value or extent of the building, structure or assembly, the building, structure or assembly is deemed to be completely replaced.

“Special flood hazard area” or “SFHA” means an area having special flood, mudflow, or flood-related erosion hazards, and shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map as Zone A, AO, A1-A30, AH, V, or V1-V30. Specific zones are defined as follows:

Zone A. The lowest floor elevation is required and the base flood elevations (BFEs) are not provided.

Zone A1-A30. The lowest floor elevation is required and the BFEs are provided.

Zone AH. Shallow water depths (ponding) and/or unpredictable flow paths between 1 and 3 feet occur. BFEs are provided.

Zone AO. Shallow water paths (sheet flow) and/or unpredictable flow paths between 1 and 3 feet occur. BFEs are not provided. Base flood depths may be provided.

Zone V. An area that is inundated by tidal floods with velocity (coastal high hazard area). BFEs are not provided.

Zone V1-V30. Identical to V Zone, but BFEs are provided.

“Substantial improvement” means any remodel, addition, or other improvement of a building when the cost of which as calculated cumulatively with any other activity occurring during the previous 10 years and the total of all improvements or repairs equals or exceeds 50 percent of the market value of the building before start of construction of the improvement. The term includes buildings which have incurred substantial damage of any origin sustained by a building when the cost of restoring the building to its pre-damaged condition as calculated cumulatively with any previous restoration would equal or exceed 50 percent of the market value before the damage occurred. Substantial improvement does not include any project for improvement of a building to correct existing violations of State or local health, sanitary or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

#### **14.34.040 Methods of reducing flood losses.**

In order to accomplish its purpose, this Chapter and Chapters ~~14.26~~ 14.48 and 14.32 SCC include methods and provisions for:

(1)-(5) *No change.*

#### **14.34.050 Basis for establishing areas of special flood hazard.**

- (1) The ~~areas of~~ special flood hazard ~~areas~~ (SFHA) identified by the Federal Insurance Administration in a scientific and technical engineering report entitled “Flood Insurance Study for the Unincorporated Areas of Skagit County, Washington,” dated January 3, 1985, with accompanying flood insurance rate and floodway maps and subsequent revisions, is hereby adopted by reference and declared to be a part of this Chapter. The Flood Insurance Study is on file with Skagit County Planning and Development Services.



(2) *No change.*

#### **14.34.100 Floodplain project permits**

A floodplain project permit, processed per Chapter 14.06 SCC, ~~shall~~ must be obtained prior to construction or development on any property within a special flood hazard area as established in SCC 14.34.050. The permit is required for all structures and development activities ~~as defined in Chapter 14.04 SCC~~, as well as those activities listed in Subsection (1) of this Section that may or may not otherwise require a project permit.

(1) Activities.

(a) Septic tanks and drain fields.

(b) Dumping or storage of hazardous waste.

(c) Utility and road maintenance work not exempted pursuant to Subsection (2) of this Section.

(2) Exemptions. The following activities are exempt from the requirement to obtain a floodplain project permit.

(a) Routine maintenance of landscaping that does not involve grading, excavation, or filling.

(b) Removal of noxious weeds and hazard trees and replacement of non-native vegetation with native vegetation, provided the applicant complies with Chapter 14.24 SCC, Critical Areas Ordinance.

(c) Normal maintenance of structures, such as re-roofing and replacing siding, provided such work does not require a building permit and does not qualify as a substantial improvement.

~~(d)~~ Normal maintenance of utilities ~~(as utilities are defined in Chapter 14.04 SCC)~~ and facilities, such as replacing downed power lines and repair or replacement of underground facilities; provided, that all native vegetation disturbed by the maintenance activity is restored; and provided further, that this exemption does not apply to new construction or to an expansion of utility facilities.

~~(de)~~ Normal street and road maintenance, including filling potholes, repaving, and installing signs and traffic signals, but does not include expansion of gravel or paved areas.

~~(ef)~~ Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility.

~~(fg)~~ Planting, harvesting, livestock management, and other normal farm or agricultural practices and activities, other than structures and filling for structural support; provided, that compliance with Chapter 14.24 SCC, Critical Areas Ordinance, is met.

~~(gh)~~ The lawful operation and maintenance of public and private diking and drainage systems which protect life and property along the Skagit and Samish Rivers and tidal estuaries in Skagit County.

#### **14.34.110 Applications**

~~Applications for permits shall be made on forms provided by the Director. As a minimum, the following information shall be provided by the applicant at the time of submittal: An application for a flood permit must include the following:~~

(1) Vicinity map.

(2) Description of the project.

(3) Two copies of the site plans drawn to scale that demonstrate the location and dimensions of the property, existing or proposed structures, fill and/or excavations, storage of material, drainage facilities, suspected critical areas per Chapter 14.24 SCC, and private or public utilities including sewage. The site plan ~~shall~~ must also include the following information:

- (a) The elevations and boundaries of the 10-, 50-, and 100-year floods, where such information is available.
- (b) The boundaries of both the SFHA as defined in SCC 14.34.050, and the protected review area as defined in SCC 14.34.055, where applicable.
- (c) Areas of compensatory storage per SCC 14.34.150(4), where applicable.
- (4) Floodproofing verification when required per SCC 14.34.140.
- (5) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (6) Where a permit is required for the repair, reconstruction or addition to any repetitive loss structure, ~~as defined in Chapter 14.04 SCC (Definitions)~~, such structure ~~shall be required to~~ must meet the provisions of SCC 14.34.140, 14.34.160(1) and (3), and 14.34.170. Value for the structure ~~shall~~ must be demonstrated by the current tax assessed value or by private appraisal at the expense of the applicant. Construction costs ~~shall~~ must be demonstrated by a properly prepared construction bid from a currently licensed contractor or the valuation used by the Director for determining building permit fees.
- (7) Habitat impact assessment checklist or, if within the protected review area, a fish and wildlife habitat conservation area site assessment prepared consistent with SCC 14.24.520 and 14.34.220(1).
- (8) Notice on title pursuant to SCC 14.34.150(5).
- (9) The Director may require additional information when deemed necessary to determine the degree of flood protection required.
- (10) Permit fees ~~shall~~ must be paid at the time application is submitted as prescribed in ~~Planning and Development Services~~ the Department's adopted fee schedule. The Skagit County Board of County Commissioners may waive, by resolution, all permit fees for the repair of flood damages incurred during a local, State or Federally declared disaster. To be eligible for a fee waiver, the permit applicant ~~shall~~ must provide access to the structure for the purposes of damage assessment by County personnel under the direction of the Director; or provide damage assessment reports prepared by the American Red Cross, FEMA, SBA, or a licensed insurance adjuster. The permit fee waiver applies only to that construction or repair that is necessary for restoration to pre-flood conditions.

#### **14.34.130 Variances and appeals.**

- (1) *No change.*
- (2) Variances.
  - (a) Requests for variances from the provisions of this Chapter ~~shall~~ must be considered pursuant to Chapter ~~14.10~~ 14.58 SCC (Variances). There ~~shall~~ must be a showing of good and sufficient cause that failure to grant the variance would result in exceptional hardship to the applicant. Variances ~~shall~~ may only be issued upon a determination that the variance is the minimum necessary to afford relief of exceptional hardship.
  - (b) ~~–(d)~~ *No change.*

#### **14.34.160 Specific standards for construction in special flood hazard areas.**

In all areas of special flood hazard where base flood elevation data has been provided as set forth in SCC 14.34.050 or 14.34.120(2), the following provisions are required in addition to the general regulations per SCC 14.34.150:

- (1) *No change.*
- (2) *No change.*
- (3) *No change.*

- (4) Wet Floodproofing Standards for Agricultural and Utility Use Structures.
  - (a) New construction or substantial improvements of any agricultural building, ~~as defined in Chapter 14.04 SCC (Definitions)~~, or utility use structure, when not meeting floodproofing or elevation requirements of Subsection (3) of this Section, ~~shall~~ must:
- (5) *No change*.

#### **14.34.180 Standards for construction in special flood risk zones.**

The following construction standards are required in special flood risk zones, ~~as defined in Chapter 14.04 SCC~~: as an area within the 100-year floodplain, lying between the landward toe of the dikes and levees along the Skagit River and a line 500 feet landward thereof.

- (1) New construction and substantial improvements of residential and nonresidential structures within special flood risk zones ~~shall~~ must have the lowest horizontal supporting member elevated one foot or more above the base flood elevation and ~~shall~~ must be constructed according to the standards provided in SCC 14.34.170(2)(a) through (f).
- (2) Regardless of method of construction, critical facilities are prohibited in the special flood risk zones.
- (3) There ~~shall~~ must be no fill or new construction within the channel of Gages Slough.

#### **14.34.230 Livestock Flood Sanctuary Areas (“Critter pads”).**

For the purposes of providing livestock flood sanctuary areas, critter pads ~~shall be~~ are permitted in any special flood hazard area except when located within the regulatory floodway. Construction of such pads ~~shall be as specified in Appendix A of this Chapter~~ must be consistent with the specifications in this section.

- (1) Site Selection
  - (a) Property must be located in the 100-year floodplain and conveniently located within an established farmland that contains domestic livestock.
  - (b) Portions of the property used as livestock pasture must be located in the 100-year floodplain as identified on the official Flood Insurance Rate Map (FIRM) for Skagit County. Construction is not permitted in the regulatory floodway.
  - (c) No portion of the pad may be allowed within 100 feet of the top of a riverbank or within a wetland area as defined by Chapter 14.24 SCC. Less than a 100-foot setback may be allowed if mitigation is performed which provides an equivalent or greater vegetative buffer along the river or stream corridor.
  - (d) The pad must be located on the property away from areas of high velocity flows so as to minimize impacts to the site, upstream and downstream properties, and natural resources.
  - (e) No pad may be located nearer than half the height of the pad (H/2) to any property line. No portion of the pad may abut any property line. Setback distances from all property lines must be measured at right angles from the property line to the toe of the pad.
- (2) Site Preparation
  - (a) Erosion control must be established around the perimeter of the work site per Chapter 14.32 SCC.
  - (b) The foundation area of the pad must be stripped of existing surface vegetation to a minimum depth of four inches and stockpiled on site. If this material is to be stockpiled for more than 24 hours, it must be covered or stabilized using erosion control methods. This material must be replaced on the surface of the pad when revegetated and reseeded.
- (3) Soil Material for Pad

- (a) Soil may be extracted from nonsensitive areas on site; it must not be taken from wetlands or other sensitive areas other than frequently flooded areas.
  - (b) Detrimental amounts of organic material are not permitted in fills. Imported fill material must be obtained from an approved or permitted site.
- (4) Placement of Fill
- (a) The maximum soil layer thickness (lift) prior to compaction shall not exceed two feet.
  - (b) Compaction may be performed by the routing back and forth of construction equipment.
- (5) Pad Surfacing
- (a) Disturbed areas of soil on the upper surface of the pad must be reseeded with a mixture of perennial ryegrass and creeping fescue or other plant material.
  - (b) Side slopes must be no steeper than two horizontal to one vertical (2:1).
  - (c) Side slopes must be protected by placing erosion control fabric, reseeding, and planting native woody vegetation in accordance with biotechnical bank stabilization techniques described in the construction specifications.
  - (d) Newly planted vegetation used for side slope stabilization may require temporary fencing along the length of the toe of the slope until such time as the vegetation has established itself.
  - (e) The surface of the pad must be compacted soil and low grasses. A straw covering must be spread over the surface prior to intended use. The straw and manure collected on the surface during the emergency use must be removed and treated as animal waste following the flood event.
  - (f) Ramp slopes must be no steeper than eight horizontal to one vertical (8:1).
  - (g) The ramp may be constructed of concrete, wood or earth material. The upper surface of the pad area must be enclosed by a fence.
- (6) Size Limitations
- (a) The maximum size of the pad must not exceed 50 square feet per animal unit (1,000 lbs.) plus the area created by adding 14 feet of width along two sides to be used for farm vehicle access.
  - (b) The width of the pad as measured perpendicular to the flooding source (river, stream or lake) must not exceed 15 percent of the total floodplain width of the property.
- (7) Agreements
- (a) Any application for the construction of a critter pad must include written legal agreements between Skagit County and the applicant that provide for the following:
    - (i) Construction and maintenance of the pad must be performed according to best management practices.
    - (ii) Applicants accept the flood impacts and new delineation of floodway/floodplain that may occur as a result of construction of such pad.
    - (iii) The construction of buildings or structures on the pad for use other than livestock shelter is prohibited. Livestock shelters may be permitted only through the Planning and Development Services permit process.
  - (b) When agricultural land containing critter pads is to be converted to any non-AG use, the County must require that all critter pads be removed. As a condition of a land use conversion from agriculture use, all critter pad material must be removed and the pad area restored to its previous ground level. An inspection and sign-off by a County Building Official is required before any building permits are issued for the portion of the property that formerly contained the critter pad.
- (8) Permit Application.

In addition to the Planning and Development Services special flood hazard area project permit application, any applicant proposing the construction of a critter pad must also provide the following information:

- (a) Site plan indicating the location of property lines, total square foot area of existing buildings, total square foot area of land within property lines, proposed square foot area of the pad, proposed location of the pad in reference to property lines, identified sensitive areas (critical areas) and any ground elevation reference marks.
  - (b) Description or type of farming activity. Number and type of livestock.
  - (c) Identify amount, type and source of fill material to be used and whether it is obtained on or off site.
  - (d) Construction schedule and methods including erosion control methods to be used during construction.
  - (e) Completed design specifications per this Chapter.
  - (f) Any signed legal agreements required per this Chapter.
- (9) Approval to Start Construction
- (a) The construction of any critter pad must not commence until such time as the Director finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this Chapter and other pertinent laws and ordinances and that the fees required for the permit have been paid.
  - (b) The Director must inspect construction for which a permit is issued. The person causing the work to be done must notify the Director in writing or by telephone when such permitted work is ready for inspection. It is the duty of the permit applicant to cause the work to remain accessible and exposed for inspection.
- (10) Inspections Required
- (a) After removal of the topsoil and prior to fill material being placed.
  - (b) During or after the placement of erosion control devices.
  - (c) After final completion and prior to using.
- (11) Design Specifications

The following information is intended to assist the designer with meeting the dimensional requirements for the construction of a critter pad:

- (a) Height (h): Base flood elevation is considered minimum height. Recommended height is one foot above base flood elevation.
- (b) Net Area (An): The net area (An) is a product of the width perpendicular to flood flow (Wp) and the length parallel to the flood flow (Lp). The net area should be no greater than 50 square feet per animal unit (1,000 lbs.). An additional area no greater than 25 percent of the calculated area will be allowed in order to accommodate herd growth.
- (c) Gross Area (Ag): The gross area is the product of (Wp + 14') and (Lp + 14'). A strip no greater than 14 feet wide will be permitted along one length and one width in order to provide vehicle access.
- (d) Side Slopes (Z): Side slopes for fill should be 2:1 or greater.
- (e) Base Area (Ab): The base area is the product of the base width (Wb) and base length (Lb) or the total footprint of the pad at grade. This area should equal the sum of the gross area (Ag) plus the horizontal area of the side slopes and should not exceed two percent of the total area (At).

- (f) Floodplain width covered by pad (FWp): The width of floodplain covered by the pad should be less than 15 percent of the total floodplain width (FWt) of the property.
- (g) Ramp Length (RL): The ramp length should not exceed 500 feet and should have a minimum slope of 8:1. If the ramp is constructed on fill, it should run parallel to flood flow. If the ramp is built using piling construction, it may be built either parallel or perpendicular to flow.
- (h) Ramp Width (RW): The width of the ramp should be no greater than 18 feet.
- (i) Total Area (At): The total area is the area that is occupied by all structures or improvements (including pad) on the entire property. The total area must not exceed 5 percent of the area of the property.
- (j) Distance (D): The shortest distance from the base of the pad to an adjacent river, stream, lake or property line.

## **Chapter 14.38 Natural Resource Lands\***

### **14.38.010 Applicability**

This section applies to land, uses, and activities within the following natural resource land zones:

- (1) Agricultural—Natural Resource Land (Ag-NRL);
- (2) Secondary Forest—Natural Resource Land (SF-NRL);
- (3) Industrial Forest—Natural Resource Land (IF-NRL);
- (4) Mineral Resource Overlay (MRO-NRL);
- (5) Rural Resource—Natural Resource Land (RRc-NRL).

### **14.38.020 Policy**

- (1) It is the declared policy of this County to enhance and encourage Natural Resource Land management within the County. It is the further intent of this County to provide to the residents of this County proper notification of the County's recognition and support through this Chapter of the right of those persons and entities to manage Natural Resource Lands.
- (2) State planning goals encourage the conservation of productive Natural Resource Lands and discourage incompatible uses. This goal can be fulfilled by assuring that the use of lands adjacent to Natural Resource Lands do not interfere with the continued use, in the accustomed manner, for the production of food and agricultural products, timber, and extraction of minerals.

### **14.38.030 Purpose**

- (1) Where non-Natural Resource Land uses extend into natural resource areas or exist side-by-side, natural resource management operations are frequently the subjects of nuisance complaints and on occasion have been forced to cease or curtail operations. Such nuisance complaints discourage investments in Natural Resource Land improvements to the detriment of adjacent Natural Resource Land uses and the economic viability of the County's Natural Resource Land industry as a whole. It is the purpose and intent of this Chapter to reduce the loss to the County of its Natural Resource Lands by limiting and defining the circumstances under which Natural Resource Lands management operations may be considered a nuisance. This Chapter is not to be construed as in any way modifying or abridging County, State or Federal laws; rather it is only to be utilized in the interpretation and enforcement of the provisions of this Code and County regulations.
- (2) An additional purpose of this Chapter is to promote a good neighbor policy between Natural Resource Lands and non-Natural Resource Land property owners by advising purchasers and users of property adjacent to or near Natural Resource Land management operations of the inherent potential

problems associated with such purchase or residence, including, but not limited to, the use of chemicals; or from spraying, pruning, harvesting, or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise, odor and the hours of operation that may accompany Natural Resource Land management operations. It is intended that through mandatory disclosures purchasers and users will better understand the impact of living near Natural Resource Lands and be prepared to accept attendant conditions as the natural result of living in or near Natural Resource Lands and rural areas.

- (3) An additional purpose of this Chapter is to provide notice, through a disclosure statement, of the potential incompatibilities, inconveniences and discomforts that may arise from Natural Resource Land management activities.

#### **14.38.040 No Nuisance.**

No land-based natural resource land management activity, operation, facility, or appurtenances thereof, when conducted or maintained in any of the natural resource zones identified SCC 14.38.010 for commercial purposes, and in a manner consistent with current Best Management Practices, not superseding local, state, or federal regulations, is or may be considered a nuisance as defined in Chapter 14.04 SCC, regardless of past or future changes in the surrounding area's land use or zone.

#### **14.38.050 Title Notice**

- (1) Applicability. This section applies to any application for a project permit involving a project on or within 500 feet of property within a zone identified in SCC 14.38.010.
- (2) The applicant for the project permit must record the title notice described in this section against the property that is the subject of the application.
- (3) The title notice must be prepared on forms provided by the Department, be signed by the property owner, and include the following language:

This parcel lies within an area or is within 500 feet of an area designated as a natural resource land (agricultural, forest, and mineral resource lands of long-term commercial significance) in Skagit County. A variety of natural resource land commercial activities occur or may occur in the area that may not be compatible with non-resource uses and may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals; or from spraying, pruning, harvesting, or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise, and odor. Skagit County has established natural resource management operations as a priority use on designated natural resource lands, and area residents should be prepared to accept such incompatibilities, inconveniences, or discomfort from normal, necessary natural resource land operations when performed in compliance with best management practices and local, state, and federal law. In the case of mineral lands, application might be made for mining-related activities including extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals. In addition, greater setbacks than typical may be required from the resource area, consistent with SCC 14.28.060. Contact Skagit County Planning and Development Services for details.

#### **14.38.060 Setbacks**

- (1) Applicability. This section applies to a lot that is outside of and abutting any of the zones identified in SCC 14.38.010.
- (2) A lot to which this section applies:
  - (a) must observe a minimum building setback of 200 feet from the adjoining natural resource land zone; or
  - (b) the property owner must acknowledge in writing the possible occurrence of agricultural, forestry, or mining activity on the adjacent property and waive, in writing, for all current and future owners,

any claim for damages that may occur to the building or occupants because of such activities which are conducted in accordance with applicable State regulations, and records the acknowledgement and waiver with the County Auditor.

- (3) In the case of Agricultural-NRL and Industrial Forest-NRL lands, the acknowledgement in (2)(b) must also be approved by the owner of the adjacent NRL lands.
  - (a) For Ag-NRL lands, if approval of the adjacent landowner cannot be obtained, the Department may reduce the setback if it meets the variance criteria in Chapter 14.58 SCC.
  - (b) For Industrial Forest-NRL lands, if approval of the adjacent landowner cannot be obtained, a Hearing Examiner variance is required to reduce the setback.

#### **14.38.070 Seller Disclosure**

- (1) Applicability. This section applies to any transfer of real property by sale, exchange, gift, real estate contract, lease with an option to purchase, any other option to purchase, ground lease coupled with improvements, or any other means when the real property is located:
  - (a) within one mile of land zoned Agriculture Natural Resource Land (Ag-NRL), or
  - (b) within one-quarter mile of land zoned Industrial Forest—Natural Resource Land (IF-NRL), Secondary Forest—Natural Resource Land (SF-NRL), or Rural Resource—Natural Resource Land (RRc-NRL), or Mineral Resource Overlay (MRO-NRL).

- (2) Upon a transfer identified in this section, the buyer must record with the County Auditor a statement containing the following language in conjunction with the deed conveying the real property:

This property may be designated or may be within 1 mile of designated agricultural land or designated or within 1/4 mile of rural resource, forest, or mineral resource lands of long-term commercial significance in Skagit County. A variety of natural resource land commercial activities occur or may occur in the area that may not be compatible with non-resource uses and may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals; or from spraying, pruning, harvesting or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise, and odor. Skagit County has established natural resource management operations as a priority use on designated natural resource lands, and area residents should be prepared to accept such incompatibilities, inconveniences or discomfort from normal, necessary natural resource land operations when performed in compliance with Best Management Practices and local, state, and federal law.

In the case of mineral lands, application might be made for mining-related activities including extraction, washing, crushing, stockpiling, blasting, transporting and recycling of minerals. If you are adjacent to designated natural resource lands, you will have setback requirements from designated natural resource lands.



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## **Division 4 Critical Areas and Shorelines**

### **Chapter 14.40 Critical Areas**

*Reserved.*

### **Chapter 14.41 Aquifer Recharge Areas**

*Reserved.*

### **Chapter 14.42 Fish and Wildlife HCAs and Wetlands**

*Reserved.*

### **Chapter 14.43 Frequently Flooded Areas**

*Reserved.*

### **Chapter 14.44 Geohazard Areas**

*Reserved.*

### **Chapter 14.48 Shorelines**

#### **14.48.010 Shoreline Management Master Program.**

A copy of the Master Program (and amendments) is available from Skagit County Planning and Development Services.

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# Division 5 Special Permits

## Chapter 14.51 Special Use Permits

### 14.51.010 Purpose.

The purpose of this chapter is to provide a means to approve land uses not specifically identified as allowed uses when they are compatible with the zone.

### 14.51.020 Applicability

This chapter applies to special use permits other than special use permits for mining, which are regulated by Chapter 14.52 SCC.

### 14.51.030 Types of Special Use Permit.

- (1) There are two types of special use permits:
  - (a) Administrative special use permits; and
  - (b) Hearing Examiner special use permits.
- (2) The decisionmaker and type of review for each type of special use permit is as specified in SCC 14.06.150.

### 14.51.040 Application Requirements.

- (1) In addition to the general application requirements of SCC 14.06.230, an application for a special use permit must include a narrative or other information that describes:
  - (a) how the proposed use will comply with the requirements of SCC 14.51.050;
  - (b) how the proposed use will comply with each of the applicable use standards, and any specific application requirements, in Chapter 14.18 SCC;
  - (c) the proposed use;
  - (d) the days and hours the use will be open;
  - (e) the number of employees the use will have on-site and off-site;
  - (f) employees' working hours;
  - (g) the location and size of any signs you propose to advertise the use.
  - (h) how the use would be screened (e.g., fences, landscaping) from public view;
  - (i) the proposed parking area;
  - (j) the schedule, including any phasing, for development of the use;
  - (k) the expected traffic impact of the use on public roads;
  - (l) any internal road system the use will have;
  - (m) how the use will be accessed;
  - (n) any heat from machinery or equipment that the use will generate;
  - (o) any noise, odors, steam, smoke, dust, or vibrations the use will generate;
  - (p) any heavy equipment or machinery the use will use;
  - (q) any chemicals, waste oil, solvents, fuel, etc., the use will use or store;

- (r) a plan for disposal of any chemicals;
  - (s) a plan to prevent trespassing by employees, customers, or visitors to adjoining property;
  - (t) any building to be used or constructed, including the size, height and construction type;
  - (u) the sewage disposal plan for employees and the public;
  - (v) the water supply for employees and the public;
  - (w) any fire flow issues and how they will be addressed.
- (2) Any building involved in the use must be shown on the site plan.
  - (3) The burden of proof is on the applicant to provide evidence in support of the application.

#### **14.51.050 Review criteria**

- (1) The criteria for review of an application for a special use include the following:
  - (a) The proposed use complies with Skagit County Code;
  - (b) The proposed use will not adversely affect or prevent those uses normally allowed in the zone;
  - (c) The proposed use will be compatible with existing and planned land uses;
  - (d) The proposed use will comply with the performance standards of Chapter 14.20 SCC;
  - (e) The proposed use will not generate intrusions on privacy of surrounding uses;
  - (f) The proposed use will not cause potential adverse effects on the health, safety, and welfare of the community or general public;
  - (g) The proposed use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities;
  - (h) The proposed use will maintain the character, landscape, and lifestyle of the rural area;
  - (i) For special uses in Industrial Forest—Natural Resource Lands, Secondary Forest—Natural Resource Lands, Agricultural—Natural Resource Lands, and Rural Resource—Natural Resource Lands, the impacts on long-term natural resource management and production will be minimized.
- (2) For new uses, proximity to existing businesses operating via special use permit must be reviewed and considered for cumulative impacts. Approved special uses identifiable through the Department's permit tracking system must be mapped upon request.

#### **14.51.060 Decisions**

- (1) The decisionmaker may approve, approve with conditions, or deny an application.
- (2) The decisionmaker must include conditions requiring the use to comply with any applicable use regulations in Chapter 14.18 SCC.

#### **14.51.070 Revocation**

The Hearing Examiner has the authority to order that a special use permit (including an administrative SUP) be revoked, suspended, or modified based on a finding that the conditions have not been satisfied by the applicant. The Director or party of record may request a review by the Hearing Examiner on a special use permit subject to the type of review specified in SCC 14.06.150.

#### **14.51.080 Annual Self-certification**

- (1) A property owner operating a use pursuant to an issued, active special use permit must annually report in writing to the Department:
  - (a) whether the use is ongoing; and
  - (b) whether the use complies with the special use permit approval, including any conditions of approval.
- (2) A use that is not certified as ongoing and in compliance pursuant to subsection (1), or that the Director reasonably believes is not ongoing or in compliance, is subject to a determination of abandonment per Chapter 14.07 SCC or enforcement per Chapter 14.09 SCC, or both.

## **Chapter 14.52 Special Use Permits for Mining**

#### **14.52.010 Applicability**

This chapter applies to special use permits for mining operations.

#### **14.52.030 Application requirements.**

In addition to the requirements of SCC 14.06.230, an application for a mining operations special use permit must include:

- (1) The following information on maps in an 11-inch by 17-inch format size:
  - (a) A vicinity map with a north arrow indicating the area on which the extraction operation is proposed including a legal description, showing right-of-way width of access roads to the proposed site from the nearest community and any roads proposed on the site, and showing zoning of adjacent properties and land uses within 5 miles of the area proposed for mineral extraction and related activities;
  - (b) A pre-mining map drawn to scale with an appropriate scale bar showing the permit area and buffers, elevations and contours, natural slopes and other drainage patterns, boundaries of municipalities, boundaries of property ownership, names and addresses of adjacent property owners, locations of nearby mines, locations of all railroads, bridges, utility lines or other rights of way, locations and names of any streams and natural or artificial drain ways on or adjacent to the site, locations of parks and other significant features;
  - (c) A reclamation sequence map drawn to scale with an appropriate scale bar covering the same area as the pre-mining map showing the permit area border and buffers, excavation areas, location of all proposed access roads to be built, location of types of setbacks and beams, numbered segments and the direction of the sequence of mining, soil storage areas and sequence of stripping, storing and replacement of mined segments, overburden storage areas and sequence of stripping, storing and replacement of overburden on mined segments, waste rock piles and how they will be reclaimed and stabilized, operation plant and processing areas, measures to be taken to adjacent surface area to prevent slumping or landslides on adjacent lands, location and description of stormwater and erosion control systems, including drainage facilities and settling ponds and estimated runoff served by individual facilities; and
  - (d) A final reclamation map drawn to scale with an appropriate scale bar covering the same area as the pre-mining map permit area and buffers, final elevations and contours, adjacent natural ground slopes, reclaimed drainage patterns, general topography, locations and names of any roads, utility lines, rights-of-way, streams, bridges, lakes, springs, wetlands, location and depth of topsoil to be replaced after seedbed preparation, permanent drainage and water control systems, area to be re-vegetated and proposed species, 2 cross-sections (at right angles) with

horizontal and vertical scales the same that show the original and final topography and the water table.

- (2) A report by a qualified geologist, hydrogeologist, or licensed engineer characterizing the area's ground water including, but not limited to, the following information:
  - (a) A description of the geology and hydro-geology of the area including the delineation of aquifer, aquitards, or aquicludes (confining layers), hydrogeologic cross-sections, porosity and horizontal and vertical permeability estimates;
  - (b) Determination of the direction and velocity of ground water movement, water table contour and potentiometric surface maps (for confined aquifers), if applicable; and
  - (c) A map containing the limits of the mine, buffer zones, location of all ground water wells within 1 mile distance down gradient from the property boundaries, location of all perennial streams and springs, and definition or specification of locations of aquifer recharge and discharge areas.
- (3) The estimated quantities of all materials to be extracted.
- (4) Identification of any possible areas on the project site that could include unique or rare occurrences of rocks, minerals, or fossils that are of outstanding scientific significance. These areas must be delineated on the pre-mining map above and the proposal for preservation of the identified area(s) must be addressed.
- (5) An on-site study to determine appropriate mitigation requirements for noise, vibration, and dust levels. The study should specify what levels the applicant deems satisfactory to mitigate off-site disturbances.
- (6) An operations proposal detailing estimated frequency of blasting, estimated truckloads per day, what provisions for screening and fencing are proposed, and estimated hours of operation.
- (7) Identification and description of those critical areas designated and regulated by Chapter 14.24 SCC, together with any critical areas studies that may be required by Chapter 14.24 SCC.
- (8) A review from Skagit County Public Works Department or Washington State Department of Transportation demonstrating that roads or bridges are capable of sustaining the necessary traffic for the proposed mineral extraction operation, and that the proposed operation meets level-of-service, safety, and other standards as outlined in the Skagit County Transportation Systems Plan, the Skagit County Comprehensive Plan, and applicable State and local regulations.

#### **14.52.040 Review Criteria**

- (1) An application for a mining operation special use permit is subject to the type of review specified in SCC 14.06.150.
- (2) An application for a mining operation special use permit must be consistent with the criteria for all special use permits found in Chapter 14.51 SCC and the following:
  - (a) When reviewing an application for mining operations special use permit, the decisionmaker should recognize that surface mining is an essential economic activity and that it is not possible to extract minerals without producing some environmental impacts. The decisionmaker must consider all relevant evidence and conditions that will mitigate detrimental impacts to the environment and conditions that protect the general welfare, health and safety. The permit must be granted if the impacts are mitigatable. The burden of proof is on the applicant. Mitigating conditions must be performance-based, objective standards that:
    - (i) Are directly and proportionately related to limiting surface mining impacts;
    - (ii) Are reasonable, practicable and generally capable of being achieved by the mine operator; and
    - (iii) Take into consideration existing and available technologies applicable to mining operations.

- (b) The decisionmaker must consider the requirements of this Chapter as minimum standards and may include appropriate site-specific conditions to protect public health, safety, and the environment and to ensure compliance with the operating standards in SCC 14.52.050.
- (c) The decisionmaker must include appropriate site-specific conditions to mitigate existing and potential incompatibilities between the mineral extraction operation and adjacent parcels. Such limitations must reflect the differences in potential impacts based on the mineral extraction operation's location in resource, rural or urban growth areas and recognize that the purpose of designating mineral resource lands is to conserve mineral resource lands, allow continued operation of existing legally established mining operations, and ensure that use of adjacent lands does not interfere with the extraction of minerals. The Hearing Examiner must take into consideration the January 1996 publication Best Management Practices for Reclaiming Surface Mines in Washington and Oregon, published jointly by the Oregon Department of Geology and Mineral Industries and the Washington State Department of Natural Resources, Ch. 3, Operation and Reclamation Strategies, in determining appropriate mitigation requirements for operational impacts.
- (d) The decisionmaker must include appropriate site-specific conditions to mitigate stormwater runoff and erosion impact. The Hearing Examiner must take into consideration the January 1996 publication Best Management Practices for Reclaiming Surface Mines in Washington and Oregon, published jointly by the Oregon Department of Geology and Mineral Industries and the Washington State Department of Natural Resources, Ch. 2, Storm Water and Erosion Control, and the National Pollutant Discharge Elimination System (NPDES) Surface Water Protection requirements in determining appropriate conditions for mitigating stormwater and erosion impacts.
- (e) The decisionmaker must consider public interests such as fishing, boating, hiking, and camping when reviewing an application for a mining operations special use permit, and may impose mitigating measures as necessary and appropriate.

#### **14.52.050 Operating Standards or Requirements.**

##### **(1) Responsibility.**

The landowner(s) and operator(s) are jointly responsible for the operation of a mineral extraction site.

##### **(2) Site Area and Width.**

- (a) When the activity includes both extraction and on-site mineral crushing or mineral processing including asphalt or concrete batching and asphalt or concrete recycling, the site area must be a minimum of 20 acres.
- (b) There must be a minimum lot width of 500 feet for crushing or processing activities.
- (c) Operations that are limited to extraction and transportation must comply with dimensional standards of the underlying zone.

##### **(3) Buffers.**

- (a) A minimum 200-foot buffer is required between on-site crushing, processing, or recycling activities and adjacent properties for the site as a condition for the issuance of a mining operations special use permit.
- (b) Adjacent properties are required to maintain a 200-foot buffer from the mineral resource designated land or sign a nuisance waiver to reduce the 200-foot buffer per SCC 14.38.060. In the case of a pre-existing structure located in the buffer of adjacent property, the required buffer must be established on the mineral resource designated land.

- (c) A minimum 100-foot buffer is required for the site where operations are limited to the extraction and transportation of minerals. Once the extraction and transportation operations have been completed, the material in the buffer may be utilized during reclamation.
- (4) Maximum Permissible Noise Levels.** Maximum permissible noise levels are set by the provisions of the Chapter 173-60 WAC, Maximum Environmental Noise Levels.
- (5) Blasting.** Blasting must be restricted to daylight hours when the mineral extraction operation is within 1/4 mile of a residential area with a greater density than 1 dwelling unit per 10 acres. The decisionmaker may otherwise set blasting hours and conditions based on site-specific circumstances. Except in the case of emergencies declared by civil authorities, blasts should be scheduled for regular and predictable times.
- (6) Vertical Limitations/Aquifer Protection.**
  - (a) Surface mining must be vertically limited to only 1 aquifer unless approved by the Washington State Department of Ecology. Hydrological barriers separating aquifers must not otherwise be disturbed.
  - (b) Activities related to mineral extraction and processing operations in the vicinity of aquifers must provide safeguards including containment to prevent direct contamination to the open aquifers and indirect contamination through infiltration of mining operation pollutants.
  - (c) Imported material may not be used as a backfill for mine sites where an aquifer has been breached.
  - (d) Disturbed aquifers should be reclaimed as ponds or lakes and/or wetlands.
  - (e) Additional buffers and setbacks may be required beyond those listed in Subsection (10)(a-b) above, if necessary, to prevent over-excavation when mining in an aquifer.
  - (f) All relevant provisions of the Critical Areas Ordinance, Chapter 14.24 SCC, for aquifer protection must be met.
- (7) Surface Water Protection.** All mineral and aggregate sites must meet the minimum requirements of Chapter 14.32 SCC, as well as all pertinent requirements of the Washington State Department of Ecology, the Department of Natural Resources, Department of Fish & Wildlife and other State and Federal regulations regarding surface water protection.
  - (a) Storage pond systems for holding processing waters must be designed to preclude untreated discharge to natural streams or surface waters, unless the discharges are otherwise regulated and allowed by a State or Federal government agency.
  - (b) The flow of natural runoff from extraction sites must be dispersed or regulated such that soil erosion on receiving lands is prevented.
- (8) Bench/Terrace.**
  - (a) Benches must be back-sloped and must be established at not more than 40-foot intervals to control surface drainage and debris.
  - (b) Swales or ditches on benches must have a maximum gradient of 5%.
- (9) Reclamation.** Reclamation of surface mining sites must be in accordance with the requirements of the State Department of Natural Resources. Reclamation activities may not allow land filling unless sites comply with Chapters 173-304 and 173-351 WAC, Chapter 12.16 SCC, other relevant State, and Federal regulations. If the operation is not subject to the State Department of Natural Resources permitting requirements, the following minimum standards apply. All reclaimed slopes must:
  - (a) Have a varied steepness;
  - (b) Have a natural appearance in both profile and plan view;

- (c) Have no large rectilinear topographic elements;
- (d) Not exceed 2 horizontal to 1 vertical except as necessary to blend with natural adjacent slopes;
- (e) Be compacted if significant back-filling is required to produce the final reclaimed slope;
- (f) Provide measures to establish a beneficial wetland where a lake pond or swamp is created; and
- (g) Place topsoil and re-vegetate as necessary to stabilize slopes and controls erosion.

**(10) Hours of Operation.** Hours of operation must vary according to the location of the site as stated below and may be shortened by the decisionmaker based on site-specific circumstances:

- (a) Within designated natural resource lands, the hours of operation may be unlimited. The decisionmaker may limit hours of operation to daylight hours or to such other reasonable limitation deemed necessary to address potential significant adverse impacts to existing adjacent land uses, on any portion of the mining site where mining activity is proposed to occur less than 1/4 mile from existing Rural Intermediate, Rural Village, or Urban Growth Area designated lands;
- (b) Within rural lands, the hours of operation must be limited to dawn to dusk;
- (c) Within urban growth areas and rural villages, the hours of operation must be from 8 a.m. to 5 p.m., Monday through Saturday; and
- (d) During emergencies, restrictions on hours of operation can be suspended by the Board of County Commissioners pursuant to the lawful procedures for declaring an emergency.

**(11) Chemical Leach Mining.**

Chemical leach mining is prohibited.

**(12) Metals mining.**

Metals mining is regulated by Chapter 78.56 RCW, Metals Mining and Milling Act.

## Chapter 14.53 Development Agreements

*Recodify existing Chapter 14.14 to this new chapter.*

## Chapter 14.54 Essential Public Facilities

### 14.56.010 Purpose.

This chapter provides for the higher scrutiny necessary to permit certain regional uses that will have potentially significant built and natural environmental impacts that can adversely affect the rural character of the surrounding area.

### 14.56.020 Applicability

This chapter applies to applications for essential public facilities.

### 14.56.030 When Allowed.

An essential public facility (EPF) may be permitted in the zones shown in the table below. In the table, “R” means a regional EPF is allowed in the zone; “L” means a local EPF is allowed in the zone. Inclusion in the table does not presume that a specific use in a given zone will be determined to be appropriate.



**Table 14.56.030-1 EPFs Allowed in Various Zones**

Type of Use	AVR	BR- LI	BR- HI	HI	IF- NRL	RFS	RVR	RRc- NRL	RRv	RI	SF- NRL
Airports	R		R								
State educational facility								R, L	R, L		R, L
State or regional transportation facility as defined in RCW 47.06.140		R, L	R, L					R, L	R, L		R, L
Regional transit authority facility as defined in RCW 81.112.020											
State/regional or local correctional facility								R, L	R, L		R, L
Solid waste handling facility		R, L	R, L	R, L				R, L			R, L
In-patient substance abuse, mental health, <u>behavioral health</u> , or secure community transition facility						R, L			R, L		
Power generation facility			R, L		R, L			R, L			R, L
Oil and gas extraction					R, L			R, L			R, L
Regional wastewater treatment facilities			R, L					R, L	R, L		R, L
Regional racetracks		R, L	R, L						R, L		
Fairgrounds									R, L		
Stadiums/arenas		R, L	R, L					R, L	R, L		
Hospitals		R, L							R, L	R, L	
Regional performing center		R					R		R	R	

#### **14.56.040 Application Requirements.**

In addition to the requirements in SCC 14.06.230, an application for an essential public facility must include the following:

- (1) A detailed written description of the proposed and potential public services to be provided, including a proposed site plan, the proposed service area of the facility, the source or sources of funding, and identification of any applicable public regulatory agencies or regional State or Federal project agency sponsors and the Federal or State authority which the agency has been granted for siting decision-making;
- (2) A written statement of the need, in statistical or narrative form, for the proposed project currently and over the following 10-year period;
- (3) An inventory of known, existing or proposed facilities, by name and address, within Skagit County, or within the region, serving the same or similar needs as the proposed project;
- (4) An explanation of the need and suitability for the proposed facility in the proposed location(s);
- (5) An assessment of the suitability of the proposed location in the County or another jurisdiction in terms of local, County, regional and/or State needs in order to minimize public costs (where appropriate) and environmental impacts, to discern the suitability of the facility's location in the city or within another jurisdiction, to determine the number of jurisdictions affected or served by the proposed EPF, and to decide what, if any, inter-jurisdictional approach is most appropriate or available;

- (6) An analysis of the environmental, social, economic, financial and infrastructure impacts of the proposed EPF, including an assessment of the proportionate financial impacts on affected jurisdictions, consideration copies of agreements which allocate the financial burdens of the proposed project on the city and other jurisdictions, and the approximate area within which the proposed project could potentially have adverse impacts, such as increased traffic, public safety risks, noise, glare, emissions, or other environmental impacts;
- (7) An analysis of the proposal's consistency with the County's Comprehensive Plan and development regulations, and plans and policies of other affected jurisdictions, including but not limited to Skagit County Countywide planning policies;
- (8) Documentation of public involvement efforts to date, including public and agency comments received, and plans for future public participation;
- (9) All application materials required by other provisions of Skagit County Code for components of the project not covered by this Chapter, such as platting requirements, critical area code compliance, traffic concurrency, Comprehensive Plan and zoning, etc., so that code compliance for all components of the project can be reviewed together;
- (10) Any additional information requested by the Director necessary to complete the preliminary analysis or to otherwise assist the Department and Hearing Examiner in making recommendation(s) and the Board of County Commissioners in making the final determination on the application.

#### **14.56.050 Initial Determination.**

After receipt of an application for an EPF, the Director must determine if the EPF is of local or regional scale.

- (1) A regional EPF is a major facility that provides public services to more than one county, where the provider has statutory authority to site and construct the facility, or where a regional, inter-governmental siting process has been followed. An application for a regional EPF is subject to the type of review specified in SCC 14.06.150.
- (2) A local EPF serves residents or property in Skagit County and is not a regional EPF. An application for a local EPF is subject to the type of review specified in SCC 14.06.150.

#### **14.56.060 Public Notice.**

- (1) Regional EPF.
  - (a) In addition to such other notice as may be required by law before the siting decision, and at least 90 days before submitting an application for a regional EPF, the applicant must notify the affected public and jurisdictions of the general type and nature of the proposal, identify sites under consideration for accommodating the proposed facility, and identify opportunities to comment on the proposal.
  - (b) Published notice must be in a newspaper of general circulation in the affected area, and must include the information described above.
  - (c) The purpose of this provision is to enable potentially affected jurisdictions and the public to collectively review and comment on alternative sites for major facilities before the project sponsor has made their siting decision. Facilities identified and sited in the County's Comprehensive Plan are considered to have enabled potentially affected jurisdictions and the public to collectively review and comment on alternative sites.
- (2) Local EPF. An application for a local EPF is subject to the standard notice requirements for the type of review specified in SCC 14.06.150.

#### **14.56.070 Review Criteria.**

The burden of proof is on the applicant to provide evidence in support of the application. To be approved, the application must meet all of the following criteria:

- (1) The characteristics of the use must not be unreasonably incompatible with the types of uses permitted in surrounding areas;
- (2) The proposed use must not create undue noise, odor, heat, vibration, air and water pollution impacts on surrounding existing or potential dwelling units;
- (3) The use must not materially endanger the health, safety and welfare of the community;
- (4) The use is such that pedestrian and vehicular traffic associated with the use must not be hazardous or conflict with existing and anticipated traffic in the local area;
- (5) The use must be supported by adequate public facilities or services and must not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts;
- (6) The location, size and height of buildings, structures, walls and fences and screening vegetation for the use must not hinder or discourage the appropriate development or use of neighboring properties;
- (7) The use is not in conflict with the policies of the Comprehensive Plan, the comprehensive plans of adjacent jurisdictions that may be affected by the use, or the basic purposes of this Title. In particular, the factors of Capital Facilities Element Policies 5.4.2, 5.4.3, and 5.8 and Essential Public Facilities Policy 3.2 must be addressed;
- (8) For uses outside of urban growth areas, extension, construction, or maintenance of urban services and facilities is not required, unless no practicable alternative exists;
- (9) No feasible alternative sites exist that better meet the requirements of these criteria;
- (10) The need for the use at a specific location is necessary, taking into account region-wide distribution of facilities and the capacity and location of equivalent facilities;
- (11) For uses in or adjacent to IF-NRL, SF-NRL, AG-NRL, and RRc-NRL zoned lands, the impacts on the long-term natural resource management and production must be minimized;
- (12) For State-owned essential public facilities, the State must provide justification for the facility and its location in Skagit County based on forecasted needs and a logical service area; and
- (13) For State-owned essential public facilities, the State must have established a public process by which the residents of the County and of affected and “host” municipalities have a reasonable opportunity to participate in the site selection process.

#### **14.56.080 Conditions of Approval.**

If approved, the conditions of approval for the use must address the review criteria in this chapter and the following:

- (1) Accessibility;
- (2) Transportation needs and services;
- (3) Supporting public facility and public service needs and the availability thereof;
- (4) Site design;
- (5) Time required for construction;
- (6) Control of on-site and off-site impacts during construction;
- (7) Facility operations;
- (8) Impacts on critical areas;

- (9) Maintenance of standards congruent with applicable governmental regulations, particularly as they may change and become more stringent over time; and
- (10) Expediting and streamlining necessary governmental approvals and permits.

## **Chapter 14.56 Master Planned Resorts**

### **14.56.010 Purpose.**

Skagit County has a wide range of natural features and amenities, including climate, vegetation, water, natural resources, scenic qualities, cultural, and geological features, which are desirable for a wide range of recreational users to enjoy. New master planned resorts authorized by RCW 36.70A.360 and existing master planned resorts authorized by RCW 36.70A.362 offer an opportunity to utilize these special features for enjoyment and recreational use, while bringing significant economic diversification and benefits to rural communities. The purpose of this Section is to establish a Master Planned Resort land use designation to be applied to those properties the Board of County Commissioners determines are appropriate for development as a master planned resort consistent with the Comprehensive Plan and RCW 36.70A.360 through 36.70A.362.

### **14.56.020 Applicability.**

“Master Planned Resort” (MPR) is a land use designation established under the Comprehensive Plan. Master planned resorts are generally larger in scale, and involve greater potential impacts on the surrounding area, than uses permitted under the Small-Scale Recreation and Tourism designation. Master planned resorts may be designated as either existing master planned resorts pursuant to RCW 36.70A.362 or new master plan resorts pursuant to RCW 36.70A.360. Designation of any master planned resort requires compliance with the provisions of this Section and a formal site-specific amendment to the Comprehensive Plan Land Use Map subject to Chapter 14.08 SCC. The requirements of this Section do not apply to any development for which a permit has been granted or for which a complete permit application has been submitted prior to the adoption of this Code.

### **14.56.030 Allowable uses.**

- (1) Generally. Master planned resorts (MPRs) must consist of predominantly short-term visitor accommodations and associated indoor and/or outdoor recreational facilities, and commercial, professional or conference facilities and activities that support and are integrated with the resort in a setting of significant natural amenities. These facilities must be primarily designed to serve the resort visitors, either day visitors or overnight visitors, but may also provide some goods and services for the surrounding permanent residential population. The master planned resort commercial facilities may be larger than those otherwise permitted in rural commercial areas but must be incidental to the resort itself. MPRs may include some other permanent residential uses, including caretakers’ or employees’ residences and some vacation home properties, provided they meet the requirements of this chapter and are integrated into the resort and consistent with the on-site recreational nature of the resort.
- (2) Specific Allowable Uses. Specific allowable uses and their locations within a master planned resort are determined during the development of the resort master plan and are subject to final determination as a part of the master plan approval process. The following uses may generally be allowed within a Master Planned Resort classification authorized in compliance with RCW 36.70A.360 through 36.70A.362:
  - (a) All residential uses including single-family and multifamily structures, condominiums, time-share and fractionally owned accommodations, provided such uses are integrated into and support the on-site recreational nature of the master planned resort; provided, that permanent residential uses may constitute no more than 20% of the total resort accommodation units.
  - (b) Short-term visitor accommodations, including, but not limited to, hotels, motels, lodges, cottages, yurts; time-share and fractionally owned units; tent camping sites within an established campground;

cabins, campgrounds, and recreational vehicle (RV) sites and other residential uses, that are made available for short-term rental. Short-term visitor accommodations (not including employee housing units) may constitute no less than 80% of the total resort accommodation units.

- (c) Indoor and outdoor recreational facilities and uses, including, but not necessarily limited to: golf courses (including accessory structures and facilities, such as clubhouses, practice facilities, and maintenance facilities), tennis and other sport courts, swimming pools, marinas and boat launches, alpine and/or cross-country skiing, hiking and nature trails, bicycle paths, equestrian facilities, sports complexes, and other recreational uses deemed to be consistent with the on-site recreational nature of the master planned resort and its setting of significant natural amenities.
- (d) Visitor-oriented amenities, including, but not limited to, (1) eating and drinking establishments, (2) gaming establishments allowed by law, (3) meeting facilities, (4) on-site retail businesses and services which are designed to serve the needs of the resort users such as gas stations, espresso stands, bakeries, delicatessens, beauty salons and spas, gift shops, art galleries, craft sales, food stores, and real estate/property management offices, and (5) recreation-oriented businesses and facilities such as sporting goods, outdoor recreation guide services, helicopter and hot air balloon recreational flight services, and outdoor equipment rental and sales.
- (e) Cultural and educational facilities, including, but not limited to, interpretative/information centers and exhibits, indoor and outdoor theaters and entertainment facilities, festival sites and museums.
- (f) Capital facilities, telecommunication and networking facilities, utilities and ancillary support services to the extent necessary to maintain and operate the master planned resort.
- (g) Temporary and/or permanent structures to serve as sales offices.
- (h) Signs consistent with the provisions of the sign code (Chapter 14.29 SCC).
- (i) Any other similar uses deemed by the decisionmaker to be consistent with the purpose and intent of this Section, the Comprehensive Plan policies regarding master planned resorts, and RCW 36.70A.360 through 36.70A.362.

#### **14.56.040 Minimum standards for master planned resorts (MPRs).**

The following standards govern consideration of master planned resorts (MPRs):

- (1) **Self-Contained Development.** All necessary supportive and accessory on-site commercial and other services must be contained within the boundaries of the MPR, and such services must be oriented to serve the MPR and be incidental to the resort itself, but may also provide goods and services for the surrounding population. MPRs may constitute urban growth outside of urban growth areas as limited by RCW 36.70A.360 and 36.70A.362. New urban development and land uses, however, are prohibited outside the boundaries of an MPR.
- (2) **Compatibility.** Based on associated impacts and an overall evaluation of the site based on the requirements of this chapter, an MPR may be limited in intensity, location and/or prohibited if found to measurably degrade adopted levels of service for capital facilities and public services, water availability, water quality and/or the rural character or economic viability of adjacent rural or resource lands and activities.
- (3) **Settings of Significant Natural Amenities.** MPRs may only be located in areas that have significant, predominantly natural area views and extraordinary landscape characteristics such as certain forests, shorelines, or mountains in a scenic, relatively remote rural setting. It is the County's intention that MPRs be located in settings of significant natural amenities—meaning settings that constitute rare and exceptional natural scenery and features of such quality as to be deemed significant, when compared to the generally scenic qualities of the overall Skagit County landscape. The setting of significant natural amenities together with the recreational activities and uses proposed for an MPR must be the primary attraction for visitors and guests to the resort. Examples of these potentially significant settings include

but are not necessarily limited to: the Skagit River, saltwater islands and/or bays, major lakes, and remote mountainous regions.

(4) Location. MPRs may not be located inside of or adjacent to designated urban growth areas. MPRs must not be located on designated Ag-NRL lands. Generally, MPRs may not be located along the I-5 corridor.

(5) Size Limits. MPRs must not exceed 300 total accommodation units, including both short-term visitor accommodations and units intended for permanent residential occupancy.

(6) Design Standards. MPRs must be developed with harmonious siting, architectural theme, landscaping and design standards that are compatible with the rural character and natural amenities of the site and surrounding area. The master planned resort must be situated and designed in such a manner as to screen the development and its impacts from adjacent areas. The minimum lot area, width, frontage, landscaping, yard and screening requirements, setbacks, street and parking standards and building heights may be modified from those normally found in the Rural or Natural Resource Land designations consistent with the character of the MPR and necessary to meet the requirements of this chapter.

(7) Capital Facilities, Utilities and Public Services. The capital facilities, utilities and services owned and operated by the resort, including those related to sewer, water, storm water, solid waste management, security, fire suppression, and emergency medical service, provided on-site must be limited to meeting the needs of the resort. These facilities, utilities, and services may also be provided by outside service providers, such as the County or special purpose districts; provided, that the resort pays all costs associated with service extension capacity increases, or new services that are directly attributable to the resort; and provided, that the nature of the facilities and services provided are adequate to meet the increased needs of the resort, based on the planned concentration of guests, structures and other facility, utility and service demands. Typical funding strategies for financing service, facility and utility extension costs may be considered to pay for costs attributed to the resort. All required public improvements including roads, utilities and public facilities that are part of the approved resort master plan must be completed prior to the issuance of a certificate of occupancy by the building official or installation guaranteed by the posting of performance bonds or other surety acceptable to the prosecuting attorney in an amount of 150% of the estimated cost of the outstanding improvements, except that all life/safety improvements must be installed and in operation prior to occupancy.

(8) Open Space. MPRs must contain abundant open space sufficient for buffering and providing recreational amenities while also maintaining the natural amenities and rural character of the area. "Open space" means any land that is retained in a substantially natural condition or is improved for recreational uses such as golf courses, hiking or nature trails, equestrian or bicycle paths, water features, lands protected as critical areas, lands preserved for farm or forest use, and lands used as buffers. Open space does not include lands used for residential lots or yards, streets or parking, etc.

(9) Shorelines. MPRs located within the jurisdiction of the Shoreline Management Act must comply with the provisions of the Skagit County Shoreline Master Program. Application for an amendment to the Skagit County Shoreline Master Program (SMP) to change the shoreline use designation for a site-specific MPR may occur concurrently with the application for a site-specific MPR Comprehensive Plan Land Use Map amendment. In addition to the requirements in the SMP, review of an application for an MPR site-specific shoreline use designation amendment must include consideration of the following factors:

(a) MPRs and the shorelines within their boundaries may constitute urban development in an otherwise rural setting as specified in RCW 36.70A.360 through 36.70A.362;

(b) MPRs may include areas of active shoreline recreational, commercial and residential uses, including shoreline-dependent uses, and provisions for public shoreline access;

(c) MPR shorelines may include activities allowed in more than 1 shoreline use designation within the same MPR;

- (d) MPRs may include shoreline uses that incorporate urban and/or rural shoreline development standards in different areas within the same MPR; and
  - (e) Existing resorts may incorporate historic uses and lawfully established vested rights, as applicable, in determining shoreline-specific standards.
- (10) Phasing. Phasing of an MPR may be allowed. Any phasing of an MPR must be done in such a manner that the initial phase(s) will stand alone as a self-contained MPR consistent with the requirements of this chapter (including permanent to short-term accommodation ratio), even if subsequent phases do not occur.

#### **14.56.050 Application requirements.**

New MPR applications for a Comprehensive Plan Land Use Map amendment require legislative approval by the Board of County Commissioners. Such applications must include the following:

- (1) A request for a site-specific Comprehensive Plan Land Use Map amendment necessary to meet the requirements of this Section and Chapter 14.08 SCC.
- (2) A draft resort master plan prepared to meet the requirements of SCC 14.56.060.

#### **14.56.060 Master plan requirements.**

The master plan provides the framework for development of the MPR and is intended to ensure that the proposed resort meets the requirements of this Chapter. The MPR master plan must be a bound document with a table of contents, maps, graphics and narrative that describes the long-range plan for the MPR and the design and development standards that will apply to the MPR. The following information is required:

- (1) A vicinity map showing the relationship of the proposed development to external road systems, nearby natural features, amenities and other land uses within 1 mile of the project boundary.
- (2) A proposed site plan drawn to a scale of at least 100 feet to 1 inch that must include:
  - (a) The location and boundaries of the proposed MPR;
  - (b) Location of existing land uses and activities, significant natural features and amenities, vegetation types, critical areas, and road systems within the project area;
  - (c) Topographic contours at 5-foot intervals or as otherwise specified;
  - (d) A clear illustration of the proposed development activity and proposed land uses and structures indicating generalized building footprints, exterior design and/or elevation views;
  - (e) Proposed locations and dimensions of all open space; and
  - (f) If the development is proposed to occur in phases, a graphic breakdown of each phase as it relates to the whole development and its general timetable for completion, including project phasing of commercial retail uses.
- (3) The proposed MPR preliminary development schedule, including phasing, if any, identifying the specific sequence and anticipated dates of development, and types of activities proposed.
- (4) Descriptive narrative detailing the principles and standards used to develop the MPR. Such text must address each required resort master plan element with a description of how it complies with Chapter 36.70A RCW, the Skagit County Comprehensive Plan, and this Chapter including the MPR decision approval criteria of this chapter.
- (5) A land use element including:
  - (a) Identification and inventory of the existing land uses within the proposed MPR, including, where applicable, previously permitted or vested uses and structures that, although not proposed for specific approval through the MPR process due to their pre-existing or prior approval status, nevertheless are intended to function as integral parts of the proposed MPR; provided, that any such use included in a

proposed resort master plan and identified for specific development approval through this Chapter must be reviewed based on the regulations in place at the time of the MPR application;

(b) Identification of the location, type, size and densities of proposed land uses within the MPR, including visitor accommodations, employee housing, commercial and recreation amenities, and other residential and nonresidential development activities;

(c) An analysis of the ability of the proposed MPR to support the total proposed growth within the MPR, including an economic impact and feasibility analysis of the proposed development prepared by a qualified professional economist or financial analyst. The analysis must address the economic viability of the proposed development, the basis for the setting of significant natural amenities and associated recreational activities as the primary visitor attraction of the proposed resort, and evidence of financial and other resources available to develop the project, and identify the fiscal impacts of the project including changes in employment, tax revenue, demand for increased levels of public services, housing for employees and the effects of loss of resource lands during the life of the project;

(d) Identify the location, size and function of proposed open space, buffers, recreational areas and activities and significant natural amenities, including deed restrictions that will assure that the open space areas are maintained as open space in perpetuity;

(e) An explanation of how the proposed MPR has been sited or designed to avoid or minimize adverse effects or conflicts on adjacent lands.

(6) A housing element including:

(a) An inventory and analysis of existing and projected short-term visitor accommodations and residential units proposed for permanent or long-term occupancy, including type and variety, and any employee housing necessary for the proposal. The analysis must include both present and anticipated needs of all types of housing during the life of the project.

(7) A transportation element including:

(a) An inventory of the general location and capacity of all existing public and private roads, transit, air, water, rail and pedestrian/bicycle routes, where applicable;

(b) The general layout of all proposed transportation improvements, including construction design standards and profiles for all roads, parking areas and pedestrian/bicycle trails for all phases of the project;

(c) A traffic analysis and traffic impact study addressing site access, traffic generated by the proposal, levels of service, circulation patterns, and turning movements;

(d) Identification of on-site and off-site measures needed to mitigate the impacts generated from the proposal.

(8) A resource lands and critical areas element including:

(a) Identification, inventory and analysis of the potential impacts on resource lands of long-term commercial significance including forest, agriculture and mineral lands within, adjacent to or affected by the proposed MPR. The analysis must also include proposed measures to mitigate impacts generated by the proposal on affected resource lands, and, if applicable, document that the proposal is better suited and has more long-term importance as an MPR than for natural resource lands of long-term commercial significance;

(b) Identification, inventory and analysis of critical areas and potential impacts in accordance with Chapter 14.24 SCC (Critical Areas). The analysis must also include proposed measures to mitigate impacts generated by the proposal on affected critical areas.

(9) A capital facilities and utilities element including:

(a) An inventory of the location and capacity of all existing utilities and capital facilities, including, but not limited to, electricity, sanitary sewage disposal, domestic and irrigation water, stormwater management,



solid waste management, law enforcement/security, fire protection and other applicable utilities, emergency services or capital facilities;

(b) An analysis of the proposed demand for capital facilities and utilities generated by the proposed MPR, over the lifetime of the development, and a description of the proposed method of providing all utility system needs, including the location and sizing of the utility systems and financing mechanisms to ensure timely delivery of those services and facilities to the proposed MPR;

(c) An estimate of water demands for the proposed MPR at maximum buildout by category of consumption and availability of water to meet the estimated demands, including (1) identification of the proposed source; (2) identification of all available information on ground and surface waters relevant to the determination of adequacy of the water supply to serve the proposed MPR; and (3) a water conservation plan indicating available measures commonly used to reduce water consumption;

(d) Project phasing and other project-specific conditions to mitigate impacts generated by the proposal on affected public services, utilities and capital facilities.

(10) A design and development standards element including:

(a) Bulk, design and dimensional standards that must be implemented throughout subsequent development within the proposed MPR;

(b) The type and range of uses authorized for any building, structure or other anticipated development activity within the MPR;

(c) Architectural character and design requirements for buildings and structures;

(d) Other requirements or design standards that will be applied to the MPR through project buildout, as determined by the reviewing authority;

(e) Storm water design and construction requirements;

(f) Sanitary sewer and water design and construction requirements;

(g) Landscaping requirements that will be applied to the development;

(h) Sign standards and requirements.

#### **14.56.065 Formal site-specific comprehensive plan amendment process.**

A master planned resort requires a site-specific amendment of the Comprehensive Plan Land Use Map to a Master Planned Resort land use designation, pursuant to the requirements of SCC 14.08.020; provided, that the subarea planning process authorized under Chapter 14 of the Comprehensive Plan (Community Development Plans) and SCC 14.08.050 may be used if deemed appropriate by both the applicant and the County. The Comprehensive Plan amendment or subarea plan must be processed by the County concurrent with the review of the resort master plan and may be processed by the County concurrent with a development agreement addressing subsequent development within the master planned resort.

#### **14.56.070 SEPA environmental review.**

SEPA environmental review will not be performed for MPR application unless or until the application is docketed for further consideration by the Board of County Commissioners pursuant to SCC 14.08.030. All master planned resort applications that are docketed for further consideration must comply with the SEPA environmental review requirements of SCC 14.08.040, SCC Chapter 16.12, and RCW Chapter 43.21C. SEPA review must include an evaluation of all of the probable significant adverse environmental impacts from the entire proposal, even if the proposal is to be developed in phases, and these impacts must be considered in determining whether any particular location is suitable for a master planned resort. The applicant must be solely responsible for the cost of preparing all necessary environmental studies and documentation (i.e., draft and final environmental impact statements, if applicable), as well as all costs associated with Skagit County's review of required documentation. If deemed appropriate by the applicant

and the County, a master planned resort project may be designated by the County as a planned action pursuant to the provisions of RCW 43.21C.031 and WAC 197-11-164 and 197-11-168.

#### **14.56.080 Project permit.**

In addition to the approval of a resort master plan, new development within a master planned resort requires approval of a development agreement pursuant to SCC Chapter 14.53, Development Agreements.

#### **14.56.090 Modifications and amendments to adopted master plans.**

Modifications to an approved master plan may be considered according to the following standards:

- (1) Minor Modifications. Minor modifications include minor changes to the timing of approved development, minor shifting of the location of buildings, proposed streets, public or private ways, sewer or water facilities, parking areas, landscaping, parks and open space, or similar improvements. Minor modifications to a master plan are subject to a Type 2 review per SCC 14.06.150.
- (2) Major Modifications. All other modifications to an adopted master plan, including, but not necessarily limited to, new uses not previously authorized in the master plan or a need for different or expanded facilities, must be considered as major modifications and require an amendment to the master plan subject to a Type 3 review per SCC 14.06.150.

#### **14.56.100 New master plan for an existing resort.**

An existing resort which desires an MPR designation and meets the requirements of an existing master planned resort as authorized in RCW 36.70A.362 must submit a master plan meeting the requirements of this Section to the County consistent with the requirements of this Code.

#### **14.56.110 Decision-making authority.**

- (1) An application for an MPR development agreement is subject to the type of review specified in SCC 14.06.150.
- (2) The Planning Commission, pursuant to its authority specified under SCC 14.08.080, must hear and make recommendations on resort master plans and site-specific applications for MPR land use designations on the Comprehensive Plan Land Use Map.
- (3) The Board of County Commissioners, pursuant to its authority specified under SCC Chapter 14.06, SCC 14.08.090, 14.14.040 and this Section, must approve or deny resort master plans, designate new master planned resort land use districts on the Comprehensive Plan Land Use Map and approve or deny the uses, densities, conditions and standards authorized for site-specific MPRs in a development agreement.

#### **14.56.120 Criteria for approval.**

An application for a Comprehensive Plan Land Use Map amendment may be approved or denied at the sole discretion of the Board of County Commissioners. The resort master plan (including proposed modifications to an approved resort master plan), special use permit, or development agreement to develop any parcel or parcels of land as an MPR may be approved, or approved with modifications, if it meets all of the criteria below. If no reasonable conditions or modifications can be imposed to ensure that the application meets these criteria, then the application must be denied.

- (1) The master plan is consistent with the County's development regulations established for critical areas (Chapter 14.24 SCC), and consistent with lawfully established vested rights, and approved project permits.
- (2) The MPR is consistent with the goals and policies of the Comprehensive Plan, including, but not limited to, the provisions relating to the siting of master planned resorts and the requirements of the County Shoreline Master Program, and complies with all other applicable sections of this Code and all

other applicable codes and policies of the County, including consistency with lawfully established vested rights.

(3) All standards established by SCC 14.56.040 are or will be met.

(4) The economic/fiscal impact analysis of the proposed MPR demonstrates that:

(a) The necessary financial resources are available for the applicant to undertake the development and that the developer has or can reasonably obtain adequate financial support for the development once approved.

(b) The MPR will provide a financial contribution that positively benefits the local economy throughout the life of the project, considering changes in employment, demands for new or increased levels of public service and the effects of loss of resource lands.

(c) The natural amenities of the site, considered together with the proposed recreational activities and facilities to be provided by the resort, constitute the primary attraction to visitors.

(5) If an MPR will be phased, each phase contains adequate infrastructure, open space, recreational facilities, supporting commercial uses, landscaping and all other conditions of the MPR sufficient to stand alone if no subsequent phases are developed.

(6) The MPR will provide active recreational uses, adequate open space, and sufficient services such as transportation access, public safety, and utilities to adequately meet the needs of the guests and residents of the MPR.

(7) The MPR will contain within the development the necessary supportive and accessory on-site commercial and other services, and such services must be oriented to serve the MPR and be incidental to the resort itself.

(8) Environmental considerations are employed in the design, placement, and screening of facilities and amenities so that all uses within the MPR are harmonious with each other and incorporate and retain, as much as feasible, the preservation of natural features and amenities, historic sites, and public views.

(9) On-site and off-site infrastructure (e.g., electrical power, water, sanitary sewer and stormwater treatment) and service (e.g., police, fire protection, emergency medical service and solid waste collection) impacts have been fully considered and mitigated.

(10) Improvements and activities are located and designed in such a manner as to avoid or minimize adverse effects of the MPR on surrounding lands and property. If located in a rural setting, the MPR is of sufficient size, layout and design, including incorporation of sufficient setbacks and landscaping, to appropriately screen the resort development and its impacts from the immediately adjacent rural parcels outside the MPR. Furthermore, the proposed development will not force a significant change in accepted farm or forest practices or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(11) The siting of the master planned resort will not cause the need to construct additional traffic lanes on State routes through Rural or Natural Resource designated areas, except in the immediate vicinity or within the boundaries of the master planned resort where necessary to accommodate increased traffic and turning movements to various venues within the resort.

(12) If the MPR is proposed to be located on designated forest or mineral lands of long-term commercial significance, the land proposed for the master planned resort is better suited and has more long-term importance as an MPR than for the commercial harvesting of timber or the commercial extraction of minerals, and the MPR will not adversely affect adjacent natural resource land production.

(13) The adopted Comprehensive Plan and development regulations preclude new urban or suburban land uses in the vicinity of the MPR.

#### **14.56.130 Time limits for approved developments.**

Time limits for commencement of development within MPRs for which a site-specific Comprehensive Plan amendment has been approved must be as specified in SCC 14.08.020(7)(c)(iii). Time limits for the commencement of development within MPRs authorized through the development agreement process specified in Chapter 14.14 SCC must be as specified in the project development agreement.

## **Chapter 14.57 Urban Reserve Development Permit (URDP)**

#### **14.57.010 Purpose.**

The purpose of the Urban Reserve Development Permit is to allow urban levels of commercial or industrial development within a UGA zone prior to annexation if appropriate provision for sewer service is arranged.

#### **14.57.020 Applicability.**

This chapter applies to all applications for project permits to construct commercial or industrial buildings of larger size than is allowed in the URR, URC-I and URP-OS zones.

#### **14.57.030 Application Requirements.**

- (1) In addition to the general requirements of SCC 14.06.230, an application must include a determination regarding sewer service as follows:
  - (a) The applicant must obtain and submit a determination from the city in whose UGA the project is located that adequate provision has been made for sewer service to the project.
  - (b) “Adequate provision for sewer service” means:
    - (i) either an agreement for concurrent extension of sewer service to the property as a condition of URDP approval; or
    - (ii) an agreement between the city and the property owner for extension of and connection to sewer at a date certain in the future.
  - (c) The terms of such agreement regarding provision of sewer are between the city and the property owner. This determination by the city is within the city’s sole discretion, as the sewer service provider, and is not subject to appeal by or to the County under any circumstances. Each city must establish its own procedures and criteria for reviewing and deciding these requests for determination regarding sewer service in the unincorporated UGA, including, but not limited to, whether the city will agree to any extensions outside of the city limits without annexation.
  - (d) The agreement between the owner and the city referenced in this Subsection may be, but need not be, a development agreement authorized by RCW 36.70B.170, and Skagit County may be a party to the agreement pursuant to Chapter 14.14 SCC.
  - (e) If the property owner is unable to obtain city agreement regarding sewer, then the owner is not eligible to apply to the County for a Hearing Examiner URDP. The County may not grant any variance from this sewer service determination requirement.

#### **14.57.040 Review Criteria**

- (1) An application for a URDP is subject to the type of review shown in SCC 14.06.150.
- (2) In addition to any requirements or criteria applicable to the requested use or proposed construction found elsewhere in this Code, the application must meet the following requirements.
  - (a) The application meets the criteria for a special use permit in SCC 14.51.050.

- (b) The proposal complies with all of the dimensional standards, design review standards, landscaping, parking and signage requirements for the city in whose UGA the property is located. Staff from the applicable municipality will assist with this review.
  - (c) Any proposed commercial or industrial use meets any requirements for such use found in the commercial or industrial zone of the city in whose UGA the property is located.
  - (d) The proposal provides for construction of planned public facilities and services consistent with requirements for similar size or intensity development, if it had been annexed to the city in whose UGA the project is located. The decisionmaker must evaluate the plans, ordinances, and development standards of the city in whose UGA the project is located in making this determination.
  - (e) The proposal will be required to participate in and connect to sanitary sewer service, consistent with the requirements of the city determination regarding sewer service.
  - (f) The proposal, as conditioned, provides for its pro rata share of mitigation for off-site traffic impacts that are directly related to the proposed development, consistent with applicable city and County transportation concurrency requirements. The County must use its SEPA review process, including a requirement for a project-specific impact assessment, as necessary to identify the level of project-specific direct impact and appropriate mitigation.
- (3) The applicant must bear the burden of proof to demonstrate that each of the requirements are met:

## Chapter 14.58 Variances

### 14.58.010 Purpose.

The purpose of this chapter is to provide a mechanism for relief from the requirements of this Title in specific cases where, due to special conditions, literal enforcement of the requirements of this Title would result in unnecessary hardship.

### 14.58.020 Applicability—Types of variances.

- (1) A variance is one of three types:
  - (a) A Hearing Examiner Variance is required to authorize a departure from a dimensional or numeric standard in this Title, unless otherwise prohibited or described below.
  - (b) An Administrative Variance may authorize a departure from the following regulations:
    - (i) Agricultural siting criteria of SCC 14.13.100;
    - (ii) Parking requirements, as allowed by SCC 14.26.040(2);
    - (iii) Reductions up to 100 percent of the standard setback allowed by SCC 14.28.030;
    - (iv) Reductions within natural resource lands allowed by SCC 14.38.060;
    - (v) Landscaping requirements in Chapter 14.25 per SCC 14.25.040(9);
    - (vi) Variances to Bayview Ridge Residential SCC 14.15.500(3)(b), minimum density for short plats, allowed in cases where previously developed property or property with critical areas constraints precludes development at the required densities;
    - (vii) Variances to standard critical area buffer widths (25 percent to 50 percent) pursuant to SCC 14.24.140(1)(a).
  - (c) A BOCC Variance is required to authorize a departure from any requirement of the Ag-NRL zone, other than those listed above, or to SCC 14.76.200, One-Acre Segregation for Agricultural Land Preservation.

- (2) Disallowed variances.
  - (a) No variance is available to grant a use that is prohibited in the applicable zone.
  - (b) Except as provided above, no variance is available for density limits.

#### **14.58.030 Application requirements.**

- (1) In addition to the general requirements of SCC 14.06.230, an application for a variance must demonstrate compliance with each of the variance criteria in SCC 14.58.040 and any other criteria specific to the type of variance sought.
- (2) An application for a variance may be consolidated with another permit application that depends on the variance, but the accompanying permit application may not be approved until the variance is approved.

#### **14.58.040 Review criteria.**

- (1) An application for a variance is subject to the type of review shown in SCC 14.06.150.
- (2) To approve a variance, the decisionmaker must find all of the following:
  - (a) The variance complies with any relevant variance criteria found in other sections of Skagit County Code.
  - (b) The variance is the minimum variance that will make possible the reasonable use of land, building, or structure.
  - (c) The granting of the variance will be in harmony with the general purpose and intent of this Title and other applicable provisions of the Skagit County Code, and will not be injurious to the neighborhood, or otherwise detrimental to public welfare.
  - (d) For a Hearing Examiner variance or a setback variance:
    - (i) The requested variance must arise from special conditions and circumstances, including topographic or critical area constraints, which are peculiar to the land, structure, or building involved and which are not ordinarily found among other lands, structures, or buildings in the same district.
    - (ii) The special conditions and circumstances do not result from the actions of the applicant.
    - (iii) Literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Title and SCC Title 15.
    - (iv) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this Title and SCC Title 15 to other lands, structures, or buildings in the same district.

#### **14.58.050 Decision.**

- (1) To grant a variance, the decisionmaker must make findings that the reasons set forth in the application and record justify the granting of the variance.
- (2) The decisionmaker may prescribe such conditions to be necessary or desirable in order to carry out the intent and purposes of this chapter and in the public interest.
- (3) If the variance application is approved, the applicant must record the variance against the property with the county auditor on a form provided by the department and provide the department a copy of the recording.

# Chapter 14.59 Wireless Facilities

## 14.59.010 Purpose.

The standards in this Chapter are necessary to protect the public health, safety, and welfare, to protect property values, and minimize visual impact while furthering the development of enhanced wireless services in the County. These standards are designed to comply with federal law. The Board of County Commissioners finds that the promulgation of this chapter is warranted and necessary:

- (1) To manage the location of macro cell towers, antennas, and small wireless facilities in the County;
- (2) To protect the community's visual quality while facilitating the reasonable and balanced provision of wireless services by minimizing the visual impact of wireless facilities on the community, particularly in and near residential zones and in and along highly visible corridors;
- (3) To establish clear guidelines, standards, and an orderly process for review intended to facilitate the deployment of wireless equipment that is necessary to provide advanced communication services to the County, its residents, businesses, and community at large;
- (4) To promote and encourage collocation rather than construction of additional single-use macro cell towers and to reduce the number of such structures needed in the future; and
- (5) To provide regulations which are specifically not intended to, and will not be interpreted or applied to:
  - (a) prohibit or effectively prohibit the provision of wireless services;
  - (b) discriminate among functionally equivalent service providers, or
  - (c) regulate wireless facilities and transmission equipment on the basis of the environmental effects of radio frequency emissions to the extent that such emissions comply with the standards established by the Federal Communications Commission.

## 14.59.020 Applicability.

- (1) This chapter applies to all new towers, poles, antennas, equipment, and small wireless facilities:
  - (a) New towers or poles exceeding the maximum height limitation of the affected zone require a special use permit and building permit.
  - (b) New antenna arrays meeting the requirements of this chapter require a building permit.
  - (c) Antennas attached to utility poles and streetlights in the right-of-way must not extend more than 10 feet above the highest point of the structure.
- (2) Exempt Facilities. The following are exempt from this chapter:
  - (a) FCC-licensed amateur (ham) radio facilities;
  - (b) Satellite earth stations, dishes and/or antennas used for private television reception;
  - (c) A wireless facility installed upon the declaration of a state of emergency by the federal, state, or local government, or a written determination of public necessity by the County; except that such facility must (a) comply with all federal and state requirements; and (b) will be exempt from the provisions of this chapter for up to 30 days after the declaration of the state of emergency;
  - (d) Antennas attached to existing structures (such as commercial buildings, houses or apartments) for internet purposes and used solely for occupants of the building to which the antennas are attached as long as the height limitations of the zone are not exceeded;
  - (e) County facilities, equipment, and services, including, but not limited to, those involving sheriff, fire, public health, and safety; and
  - (f) Fixed wireless broadband service.

## 14.59.025 Definitions

The definitions in this section apply throughout this chapter and control over any conflicting definitions in SCC 14.04.020.

“Antenna” means an exterior transmitting or receiving device mounted on or in a tower, pole, building or other structure, and which is used in communications, that sends or receives wireless signals, radio frequencies, or other communications signals.

“Antenna array” means a single or group of antenna elements, not including small wireless antennas, and associated mounting hardware, transmission lines, remote radio units, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving wireless signals.

“Antenna support structure” means any pole, telescoping mast, tower, tripod or other structure that supports a device used in the transmitting or receiving of radio frequency signals.

“Camouflage” means disguised, hidden, or integrated with an existing structure or landscape so as to be significantly screened from view.

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

“Collocation” means (a) mounting or installing antenna on a preexisting structure; and/or (b) modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

“Eligible collocation or modification request” means any request for collocation or modification of an existing tower, building, or structure that does not result in a substantial change as provided in SCC 14.16.720(6). Modification may include removal or replacement of transmission equipment.

“Eligible facilities request” means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (a) collocation of new transmission equipment; (b) removal of transmission equipment; or (c) replacement of transmission equipment.

“FCC” means the Federal Communications Commission.

“Macro cell tower” means a structure built for the sole or primary purpose of supporting a wireless facility that does not meet the definition of “small wireless facilities.” A macro cell tower may be a monopole, lattice tower, or a guyed tower that provides broad coverage at a height that provides a clear view over the surrounding buildings and terrain. Macro cell towers typically cover large geographic areas and are generally capable of hosting multiple providers.

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

“Building-Mounted” means a wireless facility service mount fixed to the roof or side of a building;

“Ground-Mounted” means a wireless facility service mount fixed to the ground, such as a tower;

“Structure-Mounted” means a wireless facility service fixed to a structure other than a building, such as light standards, utility poles, and bridges.

“Ordinary maintenance and repair” includes inspection, testing, or repair that maintains functional capacity and aesthetics of the wireless facilities and the associated structure, pole or tower, and that does not involve disturbing any portion of the right-of-way.

“Pole” means a legally constructed pole, such as a utility, lighting or similar pole made of wood, concrete, metal or other material, located or to be located within or outside of the right-of-way.

“Provider” means a wireless facility service provider or wireless infrastructure provider and includes any person that owns or operates wireless facilities within or outside of the right-of-way.



“Screening” means fencing, earth berming, trees, and other vegetation.

“Small wireless facilities” means equipment that meets the following criteria: (a) the facilities: (i) are mounted on structures 50 feet or less in height including their antennas, or (ii) are mounted on structures no more than 10 percent taller than other adjacent structures, or (iii) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater; (b) each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume; (c) all other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any preexisting associated equipment on the structure, is no more than 28 cubic feet in volume; (d) the facilities do not require antenna structure registration under Federal law; (e) the facilities are not located on Tribal land as defined under Federal law; and (f) the facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified under Federal law.

“Stealth” means a design that minimizes the visual impact of wireless facilities by camouflaging, disguising, screening or blending them into the surrounding environment. Examples of stealth design include, but are not limited to, facilities disguised as trees (monopines), flagpoles, utility and light poles, bell towers, clock towers, ball field lights and architecturally screened roof-mounted antennas or flush-mounted antennas that are either painted to match or enclosed in an architecturally applicable box.

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

“Tower site” means a tower site is a portion of a larger parcel that may be utilized for other principal uses. A tower site may mean a parcel of land smaller than the minimum lot size required in the zone completely contained within a lot meeting the requirements of the zone for the purposes of locating a communication tower.

“Transmission equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless service, including, but not limited to, radio transceivers, antennas, microwave dishes, coaxial or fiber-optic cable, and regular and backup power supplies. The term includes equipment associated with wireless services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

“Wireless facilities” or “wireless service facilities” means an unstaffed facility or equipment for the transmission or reception of radio frequency (RF) signals or other wireless communications or other signals (including, but not limited to, cellular and internet services) for commercial communications purposes, typically consisting of a group of antennas, a pole, tower or base station, transmission cables and other transmission equipment, backup power supplies, power transfer switches, cut-off switches, electric meters, coaxial cables, fiber optic cables, wires, telecommunications demarcation boxes and related materials and equipment and equipment cabinets, and including small wireless facilities.

“Wireless infrastructure provider” means a person or entity, other than a wireless services provider, that builds or installs towers, wireless transmission equipment, wireless facilities, poles or wireless support structures.

“Wireless services” means any wireless services using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided to the public.

“Wireless services provider” means a person or entity who provides wireless services.

#### **14.59.030 Application Requirements.**

- (1) Procedures Generally. The requirements of SCC Chapter 14.06, Permit Procedures, apply to any application under this Section insofar as they do not conflict with this Section or any requirements imposed under state or federal law.

- (2) Application Requirements for Proposed Towers, Antennas, Equipment and Small Wireless Facilities. The provider must submit a complete application form provided by the Department, and supporting documents as required below, containing sufficient information to determine compliance with adopted rules and regulations as outlined in this chapter and the remainder of Skagit County Code. In addition to the requirements set forth elsewhere in this Section, at the discretion of the Director, all applicants will be required to submit, as applicable, any combination of site plans, surveys, maps, reports, or written narratives necessary to convey the following information:
- (a) Parcel Description. Legal description of the parcel, including assessor account number and property identification number.
  - (b) Owner Approval. Written approval from the owner of any land, pole, or other support structure allowing the attachment or use of such property.
  - (c) Photo Simulations. Photo simulations of the existing site and proposed facilities from all adjacent properties and public rights-of-way at a radius of one mile from the proposed wireless service facilities. Photo simulations must be made from a range of elevations of surrounding areas. The photo simulation must be coded to a scaled vicinity map.
  - (d) Site Plan. A scaled site plan showing the location, point of reference, type, height and longitude and latitude of the proposed towers and antennas, existing buildings, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadway rights-of-way, parking areas if applicable, proposed means of access, setbacks from property lines and the approximate distance between the proposed tower and the property lines. The method of fencing and, if applicable, the method of camouflage, noise screening, and illumination must be indicated. The application must also include elevation drawings of the proposed tower and any other proposed structures.
  - (e) Landscaping Plan. A landscaping plan indicating the specific placement of the facility on the site. Trees and other significant site features, the type and location of plant materials used to screen the facility, and the proposed color(s) of the facility must also be indicated.
  - (f) Service Area Map. A current map showing the location of the proposed tower, the locations and service areas of other wireless service facilities operated by the provider and those proposed by the applicant that are close enough to impact service within the County.
  - (g) Collocation Statement. A signed statement by the applicant or owner, as applicable, that states whether construction of the tower will accommodate collocation of additional antenna(s) for future users. In addition, the applicant or owner must include a signed statement that it will diligently negotiate in good faith to facilitate collocation of additional wireless service facilities by other providers on the tower or within the same site location. Also, a narrative of an attempt to collocate must be included which shows the applicant has made a diligent attempt to mount the facilities on an existing tower or structure that is within a one mile radius of the chosen site.
  - (h) (viii) Environmental Documentation. Copies of any environmental documents if required by any federal or state agency.

#### **14.59.030 Effect of Permit.**

A permit from the County authorizes an applicant to undertake only the activities specified in the application and permit, and in accordance with this chapter. A permit does not authorize attachment to or use of existing poles or other structures in the right-of-way. A permit does not create a property right for the applicant. The provider must not interfere with other uses or users of the right-of-way.

#### **14.59.040 Ordinary Maintenance or Repair.**

- (1) A County permit is not required for ordinary maintenance or repair. The provider or other person performing the ordinary maintenance or repair must obtain any other permit required by applicable laws.
- (2) Application Fees and Bonds. All applications pursuant to this Section must be accompanied by the requisite fees required by the County. Unless otherwise agreed to in writing by the County, the applicant must provide a performance or construction bond or other form of surety acceptable to the County equal to at least 125 percent of the estimated cost of the work on public property before commencing work. The bond will be released after County inspection and completion of construction to the County's satisfaction.

#### **14.59.050 Design Requirements.**

- (a) Justification. At the time of filing an application, an applicant must provide a clear and complete written analysis that includes design drawings explaining how the proposed design complies with the applicable design standards under this Section to the maximum extent feasible. A complete design justification must identify all applicable design standards under this Section and provide a factually detailed reason why the proposed design either complies or cannot feasibly comply.
- (b) Requirements.
  - (i) Nonwooden poles must be painted a color that best allows them to blend into the surroundings. The use of grays, blues, greens, bronze, browns, or other site-specific colors are encouraged and may be appropriate; however, each case will be evaluated individually.
  - (ii) Antennas on or above a tower or structure are subject to the following requirements:
    - (A) Compatibility. The antenna must be architecturally compatible with the building or wall on which it is mounted, and designed and located so as to minimize any adverse aesthetic impact.
    - (B) Height. The antenna must be no taller than the minimum height required to function satisfactorily unless it is approved in writing by the County.
    - (C) Roof Mounting. The antenna may be mounted on the roof of a building if the following additional criteria are satisfied:
      - (I) It is not technically possible or aesthetically desirable to mount the antenna on a wall;
      - (II) No portion of the antenna or base station causes the height of the building to exceed the limitations set forth herein; and
      - (III) Roof-mounted antennas are completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building.
  - (iii) Equipment shelters and cabinets and other on-the-ground ancillary equipment must be screened with landscaping (except for those in the right-of-way) or with another design as required by the County Code. Alternatively, where feasible, and if more compatible with the surrounding environment, the applicant must incorporate the cabinet and other equipment into the base of a new pole (for example, for a small wireless facility), provided there is adequate space in the right-of-way.
  - (iv) Security lighting for the equipment shelters or cabinets and other on the ground ancillary equipment is allowed, as long as it complies with the County Code.
  - (v) All towers, poles, antennas, and related equipment must meet current standards and regulations of the FAA, the FCC, and any other agency of the federal or state government with relevant regulatory authority.

- (vi) To ensure the structural integrity of macro cell towers and poles, the towers and poles must be maintained in compliance with industry standards and applicable codes.
- (vii) No facilities may bear any signage or advertisement(s) other than signage required by law or expressly permitted or required by the County.
- (viii) All towers, poles, antennas and related equipment in or near residential zones must be sited and designed to minimize adverse visual impacts on surrounding properties and the traveling public to the greatest extent reasonably possible, consistent with the proper functioning of the towers, poles, antennas and related equipment. Such towers, poles, antennas, and equipment must be integrated through location and design to blend in with the existing characteristics of the site. Such towers, poles, antennas and equipment enclosures must also be designed to either resemble the surrounding landscape and other natural features where located in proximity to natural surroundings, or be reasonably compatible with the built environment, through matching and complementary existing structures and specific design considerations such as architectural designs, height, scale, color and texture or be reasonably consistent with other uses and improvements permitted in the relevant zone.
- (ix) The applicant must use stealth design to the maximum extent feasible unless otherwise approved by the County. Stealth and concealment techniques must be appropriate given the proposed location, design, visual environment, and nearby uses, structures, and natural features. Stealth design must be designed and constructed to substantially conform to surrounding building designs or natural settings. Stealth design that relies on screening to reduce visual impact must screen all substantial portions of the facilities and equipment from view.
- (x) The applicant must provide a visual simulation of the facilities and other appropriate graphics to demonstrate the visual impact on the view of the County's foothills, mountains and open space areas as viewed from major transportation corridors or public open space. Due consideration must be given so that the placement of towers and wireless service facilities does not obstruct or diminish those views.
- (xi) Antenna arrays are permitted in any zone if they are located upon an existing structure (except on single-family houses, apartments or duplexes) that provides sufficient elevation for the array's operation without the necessity of constructing a tower, pole, or other apparatus to extend the antenna array more than 10 feet above the structure. If any tower, pole or other apparatus exceeding the height extension of 10 feet is needed to achieve the desired elevation, then a special use permit and, if applicable, height variance, is required.
- (xii) All pole-mounted transmission and reception equipment must be mounted as close as technically possible to the pole to reduce the overall visual profile to the maximum extent feasible subject to applicable safety codes.
- (c) Site Design Flexibility. Individual sites vary in the location of adjacent buildings, existing trees, topography, and other local variables. If certain design standards could result in a project that could have been less intrusive if the location of the various elements of the project could have been placed in more appropriate locations within a given site, then the Department must consider such request. The tower, pole, equipment, and facilities may be installed to best camouflage, disguise, or conceal them, to make them more closely compatible with and blend into the setting or host structure, upon approval by the County.

#### **14.59.060 Construction Requirements.**

- (1) The applicant must construct and install all facilities, equipment and structures to the manufacturer's specifications and to withstand wind speed as required by the County Code.

- (2) The applicant must, to the extent feasible, design new poles to (i) match the existing light fixtures and other poles, and (ii) serve a dual purpose (for example, a new light fixture, flag pole or banner display).
- (3) As-Builts and Maps. The provider must furnish to the County paper and electronic maps showing the location of its equipment in the right-of-way or on other public property and as-builts after construction is completed.
- (4) Locates. Before beginning any excavation in the right-of-way, the permittee must comply with the requirements of the Washington Utility Notification Center.

#### **14.59.070 Safety and Due Care.**

The permittee must employ due care during installation, maintenance or any other work and must comply with all safety and construction requirements of applicable laws, County guidelines, standards and practices and any additional commonly accepted safety standards.

#### **14.59.080 Interference.**

- (1) The provider's facilities, equipment and structures may not physically interfere with any existing facilities, equipment, or structures in the right-of-way, and they must locate their lines and equipment in such a manner as not to interfere with the usual traffic patterns (vehicular or pedestrian) or with the rights or reasonable convenience of owners of property that abut any right-of-way.

#### **14.59.090 Compliance With Permit.**

All construction practices and activities must be in accordance with the permit and approved final plans and specifications. The applicant must provide the County and its representatives access to the work site and any information required by the County to ensure compliance with such requirements. All facilities or equipment that do not comply with the permit, the approved plans and specifications for the work, or the requirements of this Section, will be removed at the sole expense of the permittee. The County may stop work to assure compliance with the provisions of this Section.

#### **14.59.100 Restoration.**

- (a) The provider, or its agent or contractor, must restore, repair, and replace any portion of the right-of-way or other public property that is damaged or disturbed by the provider's wireless facilities or work in or adjacent to the right-of-way or other public property.
- (b) If the provider, its agent, or contractor fails to timely restore, repair, or replace the right-of-way or other public property, the County or its contractor may do so and the provider must pay the County's costs and expenses in completing the restoration, repair or replacement, including reasonable attorneys' fees and expenses.

#### **14.59.110 Radio Frequency Emissions Report.**

- (1) A written report will be prepared and signed by an independent, licensed engineer or qualified employee of the provider which assesses whether the proposed wireless facilities demonstrate compliance with the latest radio frequency emissions limits provided by the FCC.

#### **14.59.120 Inspections.**

- (a) The County may conduct an inspection of new and existing towers, antenna support structures, equipment, and facilities upon reasonable notice to the owner or operator to determine compliance with this Section and applicable law and to prevent structural and equipment failures and accidents that may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with construction standards set forth in this Code, federal and state laws, and applicable industry standards.

- (b) If, upon inspection, the County concludes that a tower, antenna support structure, equipment, or facilities fail to comply with applicable law or standards and constitute a danger to persons or property, then the owner or operator must bring such into compliance within 60 days of the County providing written notice of the noncompliance. Failure to timely bring such into compliance within said 60 days will be grounds for removal at the owner's or operator's expense.

#### **14.59.130 Maintenance.**

In order to not constitute a nuisance to or a danger to the life or property of any person or the public, the tower, antenna support structure, equipment, and facilities must at all times be kept and maintained in good condition, order and repair.

#### **14.59.140 Requirements for Siting on County Property, Other Than Rights-of-Way.**

- (a) Applicability. This Subsection applies to all applications to use county property. For purposes of this Subsection, "County property" means any property owned or leased by the County, but does not include any right-of-way.
- (b) Standards for Siting on County Property. The Board of Commissioners reserves the right to and may deny the use of any or all County-owned property by any or all applicants for use of county property as siting locations. Consideration of the decision to allow the use of county property that is owned or otherwise controlled by Skagit County by rent, lease, rights-of-way, easement, etc., will be subject to the following requirements:
  - (i) Priority of Use. Where Skagit County property is sought to be utilized by an applicant for the siting of wireless service facilities, priority will be given to the following entities in descending order:
    - (A) Skagit County;
    - (B) Public safety agencies including law enforcement, fire, and ambulance services which are not part of Skagit County, and private entities with a public safety agreement with Skagit County;
    - (C) Other governmental agencies; and
    - (D) The applicant and other entities providing or using wireless services.
  - (ii) Minimum Requirements for Siting on County Property. The placement of wireless service facilities on County property, in addition to the other requirements of this Section, must meet the following minimum requirements:
    - (A) The facilities must not interfere with: (1) the purpose for which the County property is intended; or (2) other users who have a higher priority as discussed under Subsection (19)(b)(i) of this section; and
    - (B) The applicant must:
      - (I) Commit to a lease agreement that includes equitable compensation for the County;
      - (II) Obtain adequate liability insurance;
      - (III) Submit a letter of credit, performance bond or other security acceptable to the County to cover the costs of removing the wireless facilities;
      - (IV) Reimburse the County for any related costs that the County incurs because of the presence of the applicant's facilities; and
      - (V) Obtain all necessary land use approvals.
  - (iii) Special Requirements for Public Utility Structures or Facilities. The County's public utility structures and facilities represent a large public investment. Protection of the County's

public utility structures and facilities is of prime importance to the County. For these reasons, the placement of wireless service facilities on public utility structures or facilities on County property may be allowed if and only if the County is fully satisfied that the following requirements are met:

- (A) There is sufficient room on the structure and/or on the grounds to accommodate the provider's wireless service facilities;
- (B) The presence of the provider's wireless service facilities will not increase the maintenance cost to the County;
- (C) The presence of the provider's wireless service facilities will not be harmful to the safety of County workers maintaining the public utility structures or facilities, nor be harmful to the safety of the applicant's workers; and
- (D) The intended use will cause no interference with the primary purpose of the public utility structures or facilities.

#### **14.59.150 General Requirements.**

The following general requirements apply to all wireless service facilities and their supporting structures:

- (1) **Building Permits Required.** Building permits are required for all towers, poles, antennas, equipment, small wireless facilities, and collocation or expansion projects located within any zone.
- (2) **Noise Regulations.** Noise from air conditioners or other equipment associated with wireless service facilities and appurtenant structures must not exceed permissible levels at the adjacent residential property line, except for emergency situations requiring the use of a backup generator where the noise standards may be exceeded on a temporary basis.
- (3) **No Advertising.** No advertising or similar materials may be attached to the tower, antenna support structure or facilities.
- (4) **Frequency Interference.** Antennas may not cause localized interference with the reception or transmission of any other communications signals including, but not limited to, public safety, broadcast television, cable television, or radio broadcast signals.
- (5) **Landscaping and Screening.** The visual impacts of wireless service facilities must be mitigated through landscaping or other screening. The County may waive that requirement for those sides of the facility that are not in public view:
  - (a) A row of evergreen trees a minimum of 10 feet tall at planting and a maximum of six feet apart must be planted around the perimeter of the fence, or other approved landscaping or screening plan. The intent is for the immediate screening of towers.
  - (b) A continuous hedge at least 36 inches high at planting capable of growing to at least 48 inches in height within 18 months must be planted in front of the tree line referenced in Subsection (20)(e)(i) of this Section.
  - (c) In the event that landscaping is not maintained at the required level, the County, after giving 30 days' advance written notice, must maintain or establish the landscaping and bill both the property owner and provider for such costs until such costs are paid in full.
- (6) **Site Location/Integrity.** Site location and development must preserve the preexisting character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized unless such disturbance would result in less visual impact of the site on the surrounding area.
- (7) **Financial Security.** The application for any tower, equipment, or facilities must be accompanied by a letter of credit, performance bond, or other security in an amount to be determined by the County,

which may be drawn upon by the County as necessary to cover the costs of removal of the tower, equipment, or facilities.

- (8) **Historic Documentation.** If applicable, a letter of permission must be provided from the designated County official if the site is on a national landmark or located in a historic district.
- (9) **County Recommendation.** If the applicant proposes to use County property, a letter of recommendation must be provided from the Director of the Parks and Recreation Department, Public Works Department or other applicable department.
- (10) **Fencing.** Security fencing no less than six feet in height with access through a locked gate must be required around each tower and its related equipment and support structures.
- (11) **Required Parking.** If the cell site is not fully automated, adequate parking must be provided for maintenance workers. If the site is automated, other arrangements for adequate off-street parking must be made and documentation thereof provided to the County.

#### **14.59.160 Timing of Decisions – Federal Shot Clocks.**

- (1) **Eligible Facilities Request.** The County will approve any eligible facilities request as required by federal law. An eligible facilities request is a request to modify an existing tower or base station without a substantial change (as defined in 47 C.F.R. § 1.6100 as may be amended) to the physical dimensions of such tower or base station.
  - (a) **Application Review.**
    - (i) **Application.**
      - (A) The Department will prepare and make publicly available an application form for an eligible facilities request.
      - (B) The applicant must include the information necessary to determine whether the application is an eligible facilities request. The applicant is not required to submit any other documentation intended to illustrate the need for any such wireless facilities or to justify the business decision to modify such wireless facilities.
    - (ii) **Review.** Upon submission of an application for an eligible facilities request pursuant to this Subsection, the County must review such application, make its final decision to approve or disapprove the application, and advise the applicant in writing of its final decision.
    - (iii) **Time Frame for Review.** The County must complete the review within 60 days of the date on which an applicant satisfies both of the following criteria: (1) the applicant takes the first procedural step required to obtain the necessary permit under SCC Chapter 14.06, Permit Procedures; and, (2) the applicant submits written documentation that addresses the eligible facilities request criteria and indicates that the proposed modification will not cause a substantial change to an existing structure.
    - (iv) **Tolling of the Time Frame for Review.**
      - (A) The 60-day review period is tolled only by mutual agreement between the County and the applicant, or where the County determines that the application is incomplete.
      - (B) Time will toll for incompleteness if the County, within 30 days of receipt of the application, provides written notice to the applicant specifically delineating all missing documents or information required in the application.
        - (I) The time frame for review begins running again when the applicant makes a supplemental submission in response to the notice of incompleteness.
        - (II) Following a supplemental submission, the County will notify the applicant within 10 days if the supplemental submission did not provide the information identified in the original notice delineating missing information.



(III) The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this Subsection.

(IV) Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

(C) Failure to Act. The application for an eligible facilities request will be deemed granted if the County fails to approve or deny a complete application within the time frame for review, including any tolling, provided the applicant notifies the County in writing after the review period has expired.

(2) Small Wireless Facilities – Collocation on Existing Structures.

(a) Application Review.

- (i) Application. The Department will prepare and make publicly available an application form, which the applicant must use.
- (ii) Review. Upon submission of an application for collocation of small wireless facilities on an existing structure pursuant to this subsection (2) the County must review such application, make its final decision to approve or deny the application, and advise the applicant in writing of its final decision.
- (iii) Time Frame for Review. The County must complete the review within 60 days of the date on which an application is submitted. The County must notify the applicant within 10 days if the application is incomplete. The first time the County provides notice of incompleteness, a new 60-day time frame will commence upon resubmission of the application.
- (iv) Tolling of the Time Frame for Review.
  - (A) The time for review may be tolled only by mutual agreement between the County and the applicant, or in cases where the County determines upon a resubmission that the application is incomplete.
  - (B) The time frame is tolled in the case of subsequent notices of incompleteness. Subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.
- (v) Failure to Act. If the County fails to approve or deny a complete application under this Subsection (21)(b) within the time frame for review (including any additional time provided or any tolling), the applicant may pursue judicial relief.

(3) Small Wireless Facilities – Deployment on a New Structure.

(a) Application Review.

- (i) Application. The Department will prepare and make publicly available an application form, which the applicant must use.
- (ii) Review. Upon submission of an application for the deployment of small wireless facilities on a new structure pursuant to this Subsection (3), the County must review such application, make its final decision to approve or deny the application, and advise the applicant in writing of its final decision.
- (iii) Time Frame for Review. The County must complete the review within 90 days of the date on which an application is submitted. The County must notify the applicant within 10 days if the application is incomplete. The first time the County provides notice of incompleteness, a new 90-day time frame will commence upon resubmission of the application.
- (iv) Tolling of the Time Frame for Review.

- (A) The time frame for review may be tolled only by mutual agreement between the County and the applicant, or in cases where the County determines upon a resubmission that the application is incomplete.
    - (B) The time frame is tolled in the case of subsequent notices of incompleteness. Subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.
  - (v) Failure to Act. If the County fails to approve or deny a complete application under this Subsection (3) within the time frame for review, including any additional time provided or any tolling, the applicant may pursue judicial relief.
- (4) Collocation Applications for Other than Small Wireless Facilities Using an Existing Structure. The following time frames apply to applications for collocations other than small wireless facilities using an existing structure:
- (a) Application Review.
    - (i) Application.
      - (A) The Department will prepare and make publicly available an application form for collocations other than small wireless facilities using an existing structure.
      - (B) The applicant must include the information necessary to determine whether an application is a collocation request other than small wireless facilities using an existing structure.
    - (ii) Review. Upon submission of an application for a request pursuant to this Subsection (21)(d), the County must review such application, make its final decision to approve or disapprove the application, and advise the applicant in writing of its final decision.
    - (iii) Time Frame for Review. The County must complete the review of the application within 90 days of the date on which an applicant submits an application, subject to the tolling provisions below.
    - (iv) Tolling of the Time Frame for Review.
      - (A) The 90-day review period may be tolled only by mutual agreement between the County and the applicant, or where the County determines that the application is incomplete.
      - (B) Time will toll for incompleteness if the County, within 30 days of submission of the application, provides written notice to the applicant specifically delineating all missing documents or information required in the application.
      - (C) The time frame for review begins running again when the applicant makes a supplemental submission in response to the notice of incompleteness.
      - (D) Following a supplemental submission, the County will notify the applicant within 10 days if the supplemental submission did not provide the information identified in the original notice delineating missing information.
        - (I) The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this Subsection (21)(d).
        - (II) Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.
    - (v) Failure to Act. If the County fails to approve or deny a complete application under this Subsection (4) within the time frame for review, including any tolling, the applicant may pursue judicial relief.

- (5) Application to Deploy a Facility Other Than a Small Wireless Facility Using a New Structure – New Macro Cell Tower. The following time frames apply to applications to deploy a facility other than a small wireless facility using a new structure.
- (a) Application Review.
- (i) Application.
- (A) The Department will prepare and make publicly available an application form to deploy a facility other than a small wireless facility using a new structure.
- (B) The applicant must include the information necessary to determine whether an application is a request for deployment of a facility other than a small wireless facility using a new structure.
- (ii) Review. Upon receipt of an application for a request to deploy a facility other than a small wireless facility using a new structure pursuant to this Subsection (21)(e), the County must review such application, make its final decision to approve or disapprove the application, and advise the applicant in writing of its final decision.
- (iii) Time Frame for Review. The County must complete the review of the application within 150 days of the date on which an applicant submits an application seeking approval of a request to deploy a facility other than a small wireless facility using a new structure, subject to the tolling provisions below.
- (iv) Tolling of the Time Frame for Review.
- (A) The 150-day review period may be tolled only by mutual agreement between the County and the applicant, or where the County determines that the application is incomplete.
- (B) Time will toll for incompleteness if the County, within 30 days of receipt of the application, provides written notice to the applicant specifically delineating all missing documents or information required in the application.
- (I) The time frame for review begins running again when the applicant makes a supplemental submission in response to notice of incompleteness.
- (II) Following a supplemental submission, the County will notify the applicant within 10 days if the supplemental submission did not provide the information identified in the original notice delineating missing information.
- (III) The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this Subsection (5).
- (IV) Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.
- (v) Failure to Act. If the County fails to approve or deny a complete application under this Subsection (5) within the time frame for review, including any tolling, the applicant may pursue judicial relief.

#### **14.59.170 Macro Cell Towers.**

In addition to the other requirements in this Section, the following apply to macro cell towers:

- (a) Permits Required. No person may develop, construct, or operate a macro cell tower or related equipment for commercial purposes upon any tract of land or on any building or structure within the zoning jurisdiction of the County prior to approval of its application for a hearing examiner special use permit and other requisite permits by the County and issuance of the permits by the County. Applicants must submit their application for the requisite permits to the Department and must pay a filing fee as set forth in SCC Chapter 14.06.

- (b) Compliance. Macro cell towers used for commercial purposes must meet the requirements of TIA 222 Rev H, as it may be revised from time to time, and documentation evidencing such compliance must be submitted with the special use permit application. Included in the submittal must be a Washington-licensed PE stamped foundation and structural drawing as well as a PE stamped structural analysis (the loaded tower drawing with all antennas and hardware in place and the wind loading calculations). Upon completion of construction, the macro cell tower will be inspected by a third-party professional at the expense of the tower owner.
- (c) Approval Criteria. In addition to other requirements of the County Code, the decisionmaker must consider the following approval criteria in determining whether to recommend approval of a special use permit and, if applicable, height variance:
  - (i) Nature of uses on adjacent and nearby properties;
  - (ii) Surrounding tree coverage and foliage;
  - (iii) Design of the macro cell tower that has the effect of reducing or eliminating visual obtrusiveness;
  - (iv) No existing structures are located within the geographic area which meet the applicant's engineering requirements;
  - (v) Existing structures do not have sufficient structural strength to support the applicant's proposed antennas and related equipment; and
  - (vi) The applicant demonstrates that there are other limiting factors not enumerated herein that render existing towers, poles and other structures unsuitable.
- (d) Setback Requirements.
  - (i) Setback requirements must be measured from the base of the tower to the property line of the tract of land on which it is located.
  - (ii) The tower structure must be set back from property lines as required by that zone, if any, or a minimum of one foot for every foot of tower height, whichever produces the greater setback (and at the written request of the County, provide additional setbacks for the length of any guy wires on all sides of a macro cell tower), unless:
    - (A) The setback is waived in writing by the owner of the adjacent property and that waiver is filed with the County; or
    - (B) The macro cell tower is constructed with breakpoint design technology. If the tower has been constructed using breakpoint design technology, the minimum setback distance must be equal to 110 percent of the distance from the top of the structure to the breakpoint level of the structure, or the applicable zone's minimum side setback requirements, whichever is greater. For example, on a 100-foot-tall monopole with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110 percent of 20 feet, the distance from the top of the monopole to the breakpoint) or the minimum side yard setback requirements for that zone, whichever is greater. If an applicant proposes to use breakpoint design technology to reduce the required setback, the issuance of a permit for the tower must be conditioned upon approval of the tower design by a Washington-licensed professional engineer.
- (e) Separation Requirements. Macro cell towers must meet the following minimum separation requirements from other macro cell towers:
  - (i) Monopole tower structures must be separated from all other towers, whether monopole, self-supporting lattice or guyed, by a minimum of one-half mile.
  - (ii) Self-supporting lattice or guyed towers must be separated from all other self-supporting lattice or guyed towers by a minimum of one mile.

- (f) Illumination and Security Fences.
  - (i) Macro cell towers, depending upon their height, must not be artificially lighted except as required by the FAA. In cases where there are residential zoned properties located within a distance of 300 percent of the height of the tower, any tower subject to this Section must be equipped with lighting that minimizes its effect on residential zoned properties.
  - (ii) All self-supporting lattice or guyed towers must be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers must be designed and constructed in a manner which will preclude, to the extent practical, unauthorized climbing of said structure.
- (g) Exterior Finish. Macro cell towers must have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the decisionmaker as part of the application approval process.
- (h) Notice. For purposes of this Section, any permit must require an applicant to notify surrounding property owners located within one mile of the legal boundary of the real property where the macro cell tower is to be located. An applicant or its designee must provide that list to the County.
- (i) Preferred Macro Cell Tower Locations. All new macro cell towers are permitted only after applying the following siting priorities, ordered from most-preferred to least-preferred:
  - (i) Industrial zones;
  - (ii) Manufacturing zones;
  - (iii) Commercial zones;
  - (iv) Other nonresidential and nonagricultural zones;
  - (v) Parcels of land in residential zones;
  - (vi) Parcels of land in agricultural zones; and
  - (vii) Designated historic districts.
- (j) Alternative Sites Analysis. The applicant for a macro cell tower must, as necessary, address siting preferences in an alternative sites analysis.
  - (i) For a macro cell tower, the applicant must address the County's preferred tower locations with a detailed explanation justifying why a site of higher priority was not selected. The County's macro cell tower location preferences must be addressed in a clear and complete written alternative sites analysis that shows at least three higher ranked, alternative sites that are in the geographic range of the service coverage objectives of the applicant, together with a factually detailed and meaningful comparative analysis between each alternative candidate and the proposed site that explains the substantive reasons why the applicant rejected the alternative candidate.
  - (ii) A complete alternative sites analysis provided under this Subsection (k) may include less than three alternative sites so long as the applicant provides a factually detailed written rationale for why it could not identify at least three potentially available, higher ranked, alternative sites.
  - (iii) For purposes of disqualifying potential collocations or alternative sites for the failure to meet the applicant's service coverage or capacity objectives the applicant will provide: (A) a description of its objective, whether it be to address a deficiency in coverage or capacity; (B) detailed maps or other exhibits with clear and concise data to illustrate that the objective is not met using the alternative (whether it be a collocation or a more preferred location); and (C) a description of why the alternative (collocation or a more preferred location) does not meet the objective.

- (k) Engineer's Certification. Upon completion of construction of a macro cell tower and prior to the commencement of use, a Washington-licensed engineer's certification must be provided that indicates that the tower is structurally sound and in conformance with all FCC and FAA requirements and applicable safety standards.
- (l) Certificate of Completion and Compliance.
  - (i) A certificate of completion will only be granted upon satisfactory evidence that the construction and installation were done in substantial compliance with the approved plans and photo simulations.
  - (ii) If it is found that the macro cell tower, equipment or facilities do not substantially comply with the approved plans and photo simulations, the provider must make any and all such changes required to promptly bring them into compliance.

#### **14.59.180 Small Wireless Facilities.**

- (a) Agreement. Prior to installing in the right-of-way any small wireless facilities, or any pole built for the sole or primary purpose of supporting small wireless facilities, a person must enter into an agreement with the County expressly authorizing the small wireless facilities or pole proposed to be installed.
- (b) General Terms.
  - (i) The initial term of an agreement may not exceed 10 years. The agreement may be renewed for an additional term subject to the mutual written agreement of the County and provider.
  - (ii) The agreement authorizes the provider's nonexclusive use of the right-of-way for the sole purpose of constructing, installing, maintaining, modifying and operating small wireless facilities, including any pole built for the sole or primary purpose of supporting the small wireless facilities to provide the services expressly authorized in the agreement, subject to applicable laws and this Section. The agreement authorizes use only of the right-of-way in which the County has an actual interest. It is not a warranty of title or interest in any right-of-way and does not confer on the provider any interest in any particular location or to a superior or preferred location within the right-of-way.
  - (iii) The provider must, at its sole cost and expense, keep and maintain its small wireless facilities and poles in the right-of-way in a safe condition and in good order and repair per the agreement between the County and provider.
- (c) Permit Required. No person may construct or install any small wireless facilities without first receiving a permit or combination of permits as required by the County Code. Notwithstanding the foregoing, in the event of an emergency, a provider or its duly authorized representative may commence work prior to obtaining a permit, provided the provider must contact the County prior to commencing the work and apply for a permit within 24 hours after commencing the emergency work. For purposes of this Subsection (23)(c), an "emergency" means a circumstance in which immediate repair to damaged or malfunctioning facilities is necessary to restore lost service or prevent immediate harm to persons or property.
- (d) Batching. An applicant may simultaneously submit no more than five sites for small wireless facilities in a single, consolidated application; provided, that the proposed small wireless facilities are to be deployed on the same type of pole or structure using similar equipment within the County.
- (e) Design Standards. Subject to not exceeding the height limitation of the underlying zone, all poles built for the sole or primary purpose of supporting small wireless facilities and the small wireless facilities may be approved through administrative review, subject to the wireless provider complying with reasonable and feasible considerations for the:

- (i) Height, shape, design and color for poles and related equipment;
  - (ii) Number, location and styles of poles that may be installed or used;
  - (iii) Aesthetic approach for different types of poles and related equipment;
  - (iv) Construction of each small wireless facility, including powering and metering;
  - (v) Structural integrity;
  - (vi) Setbacks for ground-mounted equipment;
  - (vii) Lighting, marking, and noise requirements; and
  - (viii) Use of decorative or stealth poles, where necessary.
- (f) Administrative Approval.
- (i) Small wireless facilities are allowed in all zones, provided the applicant complies with all applicable federal and state law, and the requirements of this section.
  - (ii) Small wireless facilities in all zones are subject to approval via permits and administrative review unless their installation requires the construction of a new pole or structure exceeding the height limitation of the affected zone (in which instance an administrative special use permit and, if applicable, height variance may be required). A permit is required for replacement support structures.
- (g) Site Development. All small wireless facilities are subject to the site development standards, permits, and site plan requirements. A site development application must contain the following information:
- (i) Construction drawings showing the proposed method of installation;
  - (ii) The manufacturer's recommended installations, if any;
  - (iii) A diagram to scale showing the location of the small wireless facilities, property and setback lines, easements, power lines, all structures, and the required landscaping, if applicable; and
  - (iv) Photo simulations that include to-scale visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four angles, together with a map that shows the location of each view, including all equipment and cabling.
- (h) Public Notice. For purposes of this Section, any application for a small wireless facility which includes a new or replacement pole, or variance or appeal of a request for a permit, requires public notice to all adjacent property owners and all owners of nearby properties.
- (i) Notification to Utilities. Prior to the installation or construction of a small wireless facility within the right-of-way or a utility easement, the applicant or provider must notify all utilities located within such right-of-way or utility easement regarding the use of the right-of-way or easement.
- (j) Accessory Equipment. In residential zones, the provider must locate or place all accessory equipment in the base of the pole for a small wireless facility (where technically feasible), or in an existing building, or underground, or in an equipment cabinet above ground that is:
- (i) Designed to blend in with existing surroundings, using architecturally compatible construction and colors; and
  - (ii) Located so as to be as unobtrusive as reasonably possible consistent with the proper functioning of the facilities.
- (k) Decorative Poles. An applicant may not install a small wireless facility on a decorative pole, or replace a decorative pole with a new decorative pole unless the County has determined, in its sole discretion, that each of the following conditions has been met:

- (i) The application qualifies for issuance of a permit; and
- (ii) The attachments and replacement pole are in keeping with the design and color of the existing decorative pole.

#### **14.59.190 Miscellaneous.**

- (1) Non-Use and Abandonment. No less than 30 days prior to the date that a provider plans to abandon or discontinue operation of a facility, the provider must notify the County by certified U.S. Mail of the proposed date of abandonment or discontinuation of operations. In the event that a provider fails to give notice, the facility will be considered abandoned upon the County's discovery of discontinuation of operations. Upon such abandonment, the provider will have 60 days, or an additional period of time determined in the reasonable discretion of the County, within which to:
  - (a) Reactivate the use of the facility or transfer the facility to another provider who makes actual use of the facility; or
  - (b) Dismantle and remove the facilities. If the tower, antenna, foundation, equipment, and facilities are not removed within the 60-day time period, or an additional period of time allowed by the County, the County may remove such tower, antenna, foundation, equipment, and related facilities at the provider's expense. If there are two or more providers collocating on a facility, then this provision will not become effective until all providers cease using the facility.
- (2) Independent Technical and Legal Review.
  - (a) The County may retain the services of an independent technical expert and attorney of its choice to provide technical and legal evaluations of permit applications. The third-party expert must have recognized qualifications in the field of engineering or wireless facilities regulations. The expert's review may include, but is not limited to:
    - (i) The accuracy and completeness of the items submitted with the application;
    - (ii) The applicability of analysis and techniques and methodologies proposed by the applicant;
    - (iii) The validity of conclusions reached by the applicant; and
    - (iv) Whether the proposed tower, antenna support structure, equipment and facilities comply with the applicable approval criteria set forth in this Section.
  - (b) The applicant will pay the reasonable cost for any independent consultant fees through a deposit, estimated by the County, within 10 days of the County's request.
    - (i) When the County requests such payment, the application will be deemed incomplete for purposes of application processing timelines until the deposit is received.
    - (ii) In the event that such costs and fees do not exceed the deposit amount, the County will refund any unused portion within 30 days after the final permit is released or, if no final permit is released, within 30 days after the County receives a written request from the applicant.
    - (iii) If the costs and fees exceed the deposit amount, then the applicant must pay the difference to the County before the permit is issued. The independent consultant must provide an itemized description of the services provided and related fees and charges.
- (3) Insurance. No person may own or operate a tower, pole, antenna, equipment, or small wireless facilities in the right-of-way or on County property without having secured and at all times maintaining in place insurance coverage which conforms to the following:
  - (a) Commercial general liability, automobile, employers' liability, and umbrella insurance, each in the amount of at least \$1,000,000 or, depending upon the project, a higher amount at the reasonable discretion of the Risk Manager of the County. Workers' compensation insurance must meet State statutory requirements.



- (b) The commercial general liability and automobile insurance policies must specifically include the County and its officers, officials, employees, and agents as additional insureds.
  - (c) All insurance policies must be issued by an agent or representative of an insurance company licensed to do business in the state with a Best's rating of at least A-7 and must contain an endorsement obligating the insurance company to furnish the County Clerk with at least 30 days' prior written notice in advance of the modification or cancellation of the insurance, and the insurance must be replaced up to its original amount(s).
- (4) Indemnification. Each permit issued for a macro cell tower or small wireless facility or equipment located in the right-of-way or on County property includes as a condition that the applicant and provider must defend, indemnify and hold harmless the County and its officials, officers, agents, employees and contractors from any and all liability, damages, or charges (including attorneys' fees and expenses) arising out of claims, suits, demands, or causes of action as a result of the permit process, a granted permit, installation, construction, location, performance, operation, maintenance, repair, replacement, upgrade, removal or restoration of the macro cell tower or small wireless facility or equipment.
- (5) Applicability of State and Federal Law – Conflict with Other Sections of the County Code.
- (a) These tower and small wireless facilities regulations are subject to all applicable laws. If state or federal law conflicts with these tower and small wireless facilities regulations in any material respect, and if such law preempts a provision in these tower and small wireless facilities regulations, then these tower and small wireless facilities regulations will be deemed amended to comply with applicable State or Federal law without further action by the County.
  - (b) These tower and small wireless facilities regulations are in addition to other regulations in the County Code. In case of a conflict between these and other regulations, these tower and small wireless facilities regulations control.
- (6) Severability. The various parts, sentences, paragraphs, and provisions of this Section are severable. If any part, sentence, paragraph, or provision is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Section will not be affected thereby and will remain in full force and effect.

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# Division 6 Public Facilities

## Chapter 14.62 Concurrency

*Recodify existing chapter 14.28 to this new chapter. The resulting recodification is amended as follows:*

### **New section 14.62.025 Definitions**

The definitions in this section apply throughout this chapter and control over any conflicting definitions in SCC 14.04.020.

“Affected County intersection” means a County intersection through which a development project will add 20 or more peak hour trips.

“Affected County road segment” means a County road segment on which the development project will add 20 or more peak hour trips.

“Available capacity” means capacity in a concurrency facility or service that is available for use without requiring facility construction, expansion or modification or will be available at project occupancy as a result of a committed improvement.

“Capital facilities” means facilities or improvements included in a capital budget.

“Capital Facilities Plan” means a Capital Facilities Plan adopted by a board or commissioners responsible for its implementation and submitted to the County for adoption into the County’s Comprehensive Plan.

“Certificate of capacity” means a document issued by Planning and Development Services indicating the quantity of traffic impacts on County roads and the quantity of capacity for non-transportation concurrency facilities and services that has been reserved for a specific development project on a specific property.

“Concurrency determination” means a determination that compares a proposed project’s impact on a given facility to the capacity of such facility, taking into account available facility capacity and any mitigation measures proposed by the applicant.

“Concurrency facilities and services” means the facilities and services for which project concurrency review is required in accordance with the provisions of SCC Chapter 14.62. All of the concurrency facilities and services other than County roads are referred to as non-transportation concurrency facilities and services.

“Concurrency facility and service providers” means the County department or other governmental entity responsible for providing the applicable service or facility to a development project subject to project concurrency review, as listed in SCC 14.62.110.

“County road intersections” intersections between 2 County roads, between County roads and lower traffic volume city streets, and between County roads and lower traffic volume State highways.

“County road segments” portions of individual County roads for which LOS is analyzed using the Birdsall method or Highway Capacity Manual (HCM).

“Final concurrency decision” means a decision made by the project permit decision maker that there is or is not concurrency.

“Funded projects” means transportation improvement projects for which a financial commitment is in place to complete the improvements or TSM strategies within six years of the date the final concurrency decision is to be made. Each year, projects are to be designated as “funded” by the Board of County Commissioners at the time of adoption of the Six-Year Transportation Improvement Program.

“Level of service” or “Level of service standard” means an established minimum capacity of public facilities or services that must be provided per unit of demand or other appropriate measure of need. For transportation, an A through F scale is frequently used to reflect level of service and to designate a LOS standard.

“Rural level of service” means a level of service applicable to all portions of the County not within an urban growth area.

“Urban level of service” means a level of service applicable within an urban growth area.

“Project concurrency review” means a system of reviewing specific development projects to ensure that project permits are issued only after it is demonstrated that the levels of service on concurrency facilities and services will not be degraded below the adopted level of service standards for these facilities and services. This system involves an application filed by the permit applicant, a concurrency determination for facilities and service made by the concurrency facility and service provider and a final concurrency decision made by the project permit decision maker.

#### **14.62.040 Project concurrency review**

- (1) *No change.*
- (2) Concurrency Facilities and Services. The following concurrency facilities and services, if used by the proposed development, must be evaluated during project concurrency review:

Location	County roads	Public water	Police	Fire	Sewer	Stormwater
Bayview Ridge UGA	Yes	Yes	Yes	Yes	Yes	Yes
Big Lake Rural Village and Swinomish UGA	Yes	Yes	Yes	Yes	No	No
Other rural areas	Yes	Yes	Yes	Yes	No	No
Municipal UGAs where an Urban Reserve Development Permit is not required	Yes	Yes	Yes	Yes	No	No
Municipal UGAs where an Urban Reserve Development Permit is required	See city requirements and SCC <del>14.16.910</del> <u>Chapter 14.57</u>					

- (3) *No change.*
- (4) *No change.*
- (5) Relation to Other Requirements. Compliance with or exemption from the requirements of this Chapter does not exempt a development project from compliance with any other requirement of the Unified Development Code including, but not limited to, compliance with SCC Chapters ~~14.3068~~ 14.66 (Public Facilities Impact Fees), ~~14.32~~ 14.68 (Stormwater Management), ~~14.3666~~ 14.66 (Public Works Standards), and ~~16.12~~ 16.12 (State Environmental Policy Act).

## **Chapter 14.66 Public Works Standards**

*Recodify existing chapter 14.36 to this new chapter.*

## **Chapter 14.68 Public Facilities Impact Fees**

*Recodify existing chapter 14.30 to this new chapter. The resulting recodification is amended as follows.*

### **New section 14.68.025 Definitions**

The definitions in this section apply throughout this chapter and control over any conflicting definitions in SCC 14.04.020.

“Development activity” means a type of construction, placement, conversion or expansion of a residential building or structure, or the siting of a mobile home, or a change in use of a residential building or structure or mobile home, or a change in use of land that creates or has the potential in the present or future to create an additional dwelling unit.

“Developer” means the individual(s) or corporation(s) applying for a permit subject to impact fees under this chapter.

“Encumbered” means to reserve, set aside, or otherwise earmark the impact fees by contract to pay for commitments, contractual obligations, or other liabilities incurred for public facilities as set out in an adopted Capital Facilities Plan.

“Feepayer” means a person, corporation, partnership, an incorporated association, or any other similar entity, or department or bureau of any governmental entity or municipal corporation commencing a development activity which creates the demand for additional public facilities, and which requires development approval and/or the issuance of a building permit. “Feepayer” also includes an applicant for an impact fee credit.

“Impact fee” means a payment of money imposed by Skagit County on development activity pursuant to this Title as a condition of granting development approval and/or a building permit in order to pay for the public facilities needed to serve new growth and development. Impact fee does not include a reasonable permit fee, an application fee, the administrative fee for collecting and handling impact fees, the cost of reviewing independent fee calculations, or the administrative fee required for an appeal pursuant to SCC 14.68.070.

“Impact fee account” means the account established for the public facilities for which impact fees are collected. The account(s) must be established pursuant to SCC 14.68.080 and comply with the requirements of RCW 82.02.070.

“Independent fee calculation” means the impact calculation, and/or economic documentation prepared to support the assessment of an impact fee other than by the use of the schedule kept on file in the Department, or the calculations prepared for a district where none of the fee categories or fee amounts in said appendix accurately describe or capture the impacts of the new development on public facilities.

#### **14.68.040 Exemptions**

(1) The following ~~shall be~~ are exempt from the payment of all impact fees:

- (a) That portion of any housing development reserved or set aside exclusively for the elderly, including nursing homes and retirement centers, so long as these uses are maintained in perpetuity and the necessary covenants or declarations of restrictions, approved by the County and any affected district, are recorded on the property;
- (b) Accessory dwelling units;
- (c) Replacement to a similar intensity of a residential structure or mobile home having been actively occupied for the three previous years with a new residential structure or mobile home at the same site or lot when such replacement occurs within 12 months of the demolition or destruction of the prior structure or the removal of the mobile home;
- (d) Alterations or expansion or enlargement or remodeling or rehabilitation or conversion of an existing dwelling unit or units where no additional units are created and the use is not changed;
- (e) The construction of accessory structures to a residential use that will not create additional impacts on public facilities;
- (f) Miscellaneous improvements, including, but not limited to, fences, walls, swimming pools, and signs;
- (g) Demolition or moving of a structure.

- (2) Certain development approvals ~~shall be~~ are exempt from the payment of impact fees if mitigation has already been provided, as specified below. All units are exempt from the payment of impact fees if:
- (a) A developer and the County and the affected district have entered into a voluntary agreement (as authorized by RCW 82.02.020) for the payment of fees, dedication of land, or the construction of a public facility segment by the developer; or
  - (b) A SEPA mitigation condition exists imposing the obligation of the payment of fees, dedication of land, or the construction of a public facility segment upon the developer on behalf of the district; or
  - (c) A land division condition exists imposing the obligation of the payment of fees, dedication of land, or the construction of a public facility segment upon the developer on behalf of the district.

Provided, however, that no exemption ~~shall be~~ is allowed if the voluntary agreement, SEPA mitigation condition, or land division condition indicates that payment of the impact fee is necessary. Additionally, no exemption ~~shall be~~ is allowed until the developer has provided the Director documentation demonstrating compliance with the terms of the voluntary agreement, SEPA mitigation condition, or land division condition.

- (3) The Director ~~shall be~~ is authorized to determine, after consultation with any affected district, whether a particular development activity falls within an exemption identified in this Section, in any other Section, or under other applicable law. Determinations of the Director ~~shall~~ must be in writing and ~~shall be~~ are subject to the appeals procedures set forth in SCC ~~14.30.070~~ 14.68.070.

#### **14.68.070 Appeals**

(1) Any feepayer may pay the impact fees imposed by this Chapter under protest in order to obtain a project development permit approval. ~~That includes, but is not limited to, land divisions, or building permits.~~ Appeals regarding the impact fees imposed on any development activity may be made by the feepayer. No appeal ~~shall be~~ is permitted unless and until the impact fees at issue have been paid.

(2) The Director's determinations with respect to the applicability of the impact fees to a given development activity and/or building permit, the availability of an exemption, the availability or value of a credit, or the Director's decision concerning the independent fee calculation which is authorized in SCC ~~14.3068~~.130, or the fees imposed by the Director pursuant to SCC ~~14.3068~~.020(4), or any other determination which the Director is authorized to make pursuant to this Chapter, can be appealed ~~as a Level I decision~~ following the process for review in SCC 14.06.150.

(3) If the Director makes a determination on an adjustment, credit, exemption, or independent fee calculation contrary to or inconsistent with the determination or analysis prepared by a district, the district may appeal the Director's determination ~~as a Level I decision~~ following the process for review in SCC 14.06.150.

# Division 7 Land Divisions and Boundaries

## Chapter 14.70 Legal Lots and Eligibility for Development

### 14.70.010 Purpose.

- (1) The purpose of this chapter is to ensure that:
  - (a) land is divided in a manner consistent with the County's development code and with the requirements of Chapter 58.17 RCW governing the subdivision of land; and
  - (b) land that was illegally divided is not eligible for permits, consistent with RCW 58.17.210;
  - (c) a person who illegally divides land is not unjustly enriched; and
  - (d) a person is not denied reasonable use of their property.
- (2) This chapter adopts criteria for:
  - (a) determination of whether a lot is a legal lot, and therefore eligible for sale, lease, or transfer; and
  - (b) determination of whether a legal lot is eligible for project permits.

### 14.70.020 Applicability.

- (1) This chapter applies to all land within the unincorporated jurisdiction of Skagit County, and all land divided at all times since the establishment of the County.
- (2) No variance from this chapter is permitted.

### 14.70.030 Deprecated terms

The following terms of art were used in earlier versions of this code but have been deprecated and replaced with the term "legal lot":

- (1) Lot of record: any lot platted or legally created under a Skagit County subdivision ordinance on or after March 1, 1965; any tract of land divided by metes and bounds or fractional section description or platted and recorded with the auditor prior to March 1, 1965; or any tract of land defined by metes and bounds or fractional section description and conveyed by notarized deed prior to March 1, 1965.
- (2) Legal lot of record: a definition used prior to the adopting of the June 20, 2000, Unified Development Code referring to a lot of record meeting the aggregation requirements of SCC 14.04.190(5) (as formerly codified).

### 14.70.040 Determination of Legal Lot

- (1) A legal lot is eligible for sale, lease, or transfer. Property that is not a legal lot is not eligible for sale, lease, or transfer, except for the purpose of aggregation in SCC 14.70.080.
- (2) A lot qualifies as a legal lot if it meets any of the following criteria:
  - (a) The lot has been certified as a legal lot or lot of record by Skagit County through a lot certification;
  - (b) The lot was properly divided under Skagit County's land division code in effect at the time of division;
  - (c) The lot was created prior to Skagit County's first land division ordinance by being:
    - (i) defined by metes and bounds or fractional section description or platted; and

- (ii) recorded with the auditor or conveyed by notarized deed prior to March 1, 1965.
  - (d) The lot was created through testamentary provisions or the laws of descent;
  - (e) The lot was created through application of some other exception in RCW 58.17.040.
- (3) Exception for innocent purchaser.
- (a) A lot that does not meet the requirements of subsection (2) may nonetheless qualify as a legal lot if all of the following criteria apply:
    - (i) The owner did not have actual notice that the lot was not a legal lot;
    - (ii) The owner purchased the property for value, as required by RCW 58.17.210;
    - (iii) The owner has not previously been determined an innocent purchaser for any county lot;
    - (iv) The lot does not have a recorded a lot certification indicating it is not a legal lot (nor lot of record).
  - (b) To qualify under this subsection (3), the owner file a notarized affidavit of innocent purchase demonstrating compliance with the criteria above with the County on forms satisfactory to the Director and Prosecuting Attorney.
  - (c) All contiguous lots created in violation of this Title under the same ownership at the time of application for innocent purchaser status must be recognized only as a single lot and be combined through a boundary line adjustment with a new legal description reflecting the legal description of the new lot(s) after being combined.
  - (d) As an alternative to the exception under this subsection (3), an innocent purchaser may rescind the sale or transfer of the subject property and recover the costs of investigation, suit, and reasonable attorney fees as provided in RCW 58.17.210.

#### **14.70.050 Eligibility for project permits.**

- (1) A lot is eligible for project permits only if:
  - (a) The lot is a legal lot; and
  - (b) The lot is not restricted from development by prior County decision or action (e.g., plat notes, open space designation); and
  - (c) The lot is either:
    - (i) equal to or larger than the minimum lot size for its zone; or
    - (ii) meets the criteria in SCC 14.70.060 for an exception from the minimum lot size requirement.
- (2) A lot that meets criteria (1)(a) and (b) but not (1)(c) is eligible for certain non-residential project permits as described in SCC 14.70.070.

#### **14.70.060 Exception from minimum lot size requirement**

A lot qualifies for an exception from the minimum lot size requirement in 14.70.050(1)(c) if it meets one of the following criteria:

- (1) The lot has previously been issued lot certification by Skagit County;
- (2) The lot was created through testamentary provisions or the laws of descent and met the lot size requirement at the time of division;
- (3) The lot was properly platted and approved by Skagit County on or after March 1, 1965;
- (4) The lot has had an existing dwelling unit since at least July 1, 1990;
- (5) The lot has an existing dwelling unit that obtained a building permit for its construction;

- (6) The lot is assessed as part of the Edison Subarea of the Skagit County Clean Water District per Chapter 12.64 SCC;
- (7) The lot received an approval for an individual water system for the lot pursuant to Chapter 12.48 SCC prior to June 1, 1997, and the well has been installed;
- (8) The lot received a permit for an on-site sewage system pursuant to Chapter 12.05 SCC prior to January 1, 2004, and either that permit is still valid, or the system has been installed;
- (9) The lot has been issued a project permit that vests future structure(s) per SCC 14.06.190;
- (10) The lot is at least one acre and meets at least one of the following criteria:
  - (a) The lot has had a water meter or sewer service connection since January 1, 2004;
  - (b) The owner or a preceding owner paid or is still paying water or sewer assessments for ULID or LID that was established prior to January 1, 2004;
- (11) The lot is at least one acre and meets all of the following criteria:
  - (a) the lot is located in an urban growth area;
  - (b) the lot can satisfy the requirements of the Skagit County Code for water and wastewater.
- (12) The lot was legally created either prior to March 1, 1965, or was exempt from subdivision requirements at the time it was created, and meets one of the following requirements:
  - (a) the lot is 1 acre or larger and is located in the Rural Village Residential or Rural Intermediate zone (but not located on Guemes Island, or Fidalgo Island outside of any urban growth area);
  - (b) the lot is 5 acres or larger and is located in the Rural Reserve zone;
  - (c) the lot is 10 acres or larger and is located in a Rural Resource-Natural Resource Lands or Secondary Forest-Natural Resource Lands zone;
  - (d) the lot meets the requirements for residential development in the Industrial Forest-Natural Resource Lands designation in SCC 14.18.102;
  - (e) the lot is 0.25 acres or larger and is located in the Bayview Ridge Residential zone.

#### **14.70.070 Exception for specified non-residential permits**

A lot that that meets the criteria in SCC 14.70.050(1)(a) and (b) but not the minimum lot size criteria in SCC 14.70.050(1)(c) is eligible for specified non-residential project permits as follows:

- (1) In the Natural Resource Land zones, the lot is eligible for project permits for all uses allowed in its zone except a residential use (Part 1 of Chapter 14.18 SCC) or any other use that is accessory to a residence (e.g., home-based business or family day care provider) so long as no conversion of natural resource land is required to accommodate the use.
- (2) In the zones in the table below, the lot is eligible for project permits for the following nonresidential uses:



**Table 14.70.070-1 Allowed Non-Residential Uses**

	RI	RRv	RVR	URR	URC-I	URP-OS	BRR
Agriculture	P	P				P	P
Agricultural accessory use	P	P				P	
Agricultural processing facilities		P					
Animal preserve		HE					
Caretaker dwelling unit for on-site resident park manager						AC	
Cemetery	HE	HE	HE	HE			
Community club/grange hall	HE	HE	HE	HE	P		
Display gardens				HE			
Forest practices		P				P	
Historic sites open to the public	HE	HE	HE	HE	P	P	P
Impoundments greater than 1-ac ft in size	HE	HE	HE				
Impoundment						HE	
Interpretive center						P	
Manure lagoon		HE					
Minor public use	HE	HE	HE	AD	P	P	
Minor utility development	AD	AD	AD	AD	AD	P	AD
Expansion of major public use up to 3000 sf	HE	HE	HE	AD	AD		
Outdoor recreational facility	HE		HE				
Natural resources research/training facility		HE				AD	
Outdoor outfitters enterprises		HE					
Outdoor recreational facilities		HE				AD	
Parks, community	HE	HE	HE	HE		P	HE
Park, recreation open space						P	
Park, regional						P	
Parks, specialized recreational area	AD	AD	AD		AD	P	AD
Seasonal roadside stands under 300 square feet				AD			
Temporary events				AD	AD		
Trails	AD	AD	AD	AD	AD	P	AD
Primary and secondary trailheads	AD	AD	AD	AD	AD	P	AD
Water diversion structure						AD	
Wireless facilities	AD	AD	AD	AD	AD	AD	

### 14.70.080 Lot Aggregation

- (1) This section applies to a lot that:
  - (a) does not meet the minimum lot size requirement in its zone;
  - (b) does not meet the criteria in SCC 14.70.060 for an exception from the minimum lot size requirement; and
  - (c) is contiguous to other lots that have been held in common ownership at any time since July 1, 1990.
- (2) To be eligible for project permits, a lot to which this section applies must be aggregated, through a boundary line adjustment, with other contiguous lots, up to the minimum lot size.
- (3) Exceptions.

- (a) A lot where ownership has been transferred since July 1, 1990, in compliance with all zoning and aggregation provisions at the time of the transfer is not required to be aggregated.
  - (b) A lot included in a plat is not required to be aggregated with unplatted land or lots in other plats under this section.
- (4) If aggregation of all qualifying contiguous lots does not result in (a) a lot that is equal to or greater than the minimum lot size, or (b) a lot that qualifies for an exemption from the minimum lot size requirement in SCC 14.70.060, the lot may be eligible for a reasonable use exception per SCC 14.70.090.

#### **14.70.090 Reasonable Use Exception**

- (1) This section applies to a lot that:
- (a) meets the criteria in SCC 14.70.050(1)(a) and (b) but not the minimum lot size criteria in SCC 14.70.050(1)(c) nor the meet the criteria in SCC 14.70.060 for an exception from the minimum lot size requirement;
  - (b) does not qualify for aggregation under SCC 14.70.080 or has been aggregated as required by SCC 14.70.080 and is still smaller than the minimum lot size in the zone; and
  - (c) is not located in a Natural Resource Land zone (where natural resource production is already deemed a reasonable use).
- (2) To be eligible for project permits, the owner of a lot to which this section applies may request a reasonable use exception for a specified use on the lot. The owner must demonstrate all of the following:
- (a) the lot has not been owned with any other contiguous lots with the same zoning designation at any time since July 1, 1990;
  - (b) the proposed use can otherwise satisfy all other requirements of the Skagit County Code;
  - (c) the proposed use does not require extension of, or installation of, urban levels of service outside of an urban growth area.
- (3) The effect of a reasonable use exception is to allow applications and permits for the use specified on the subject lot.

# Chapter 14.72 Boundary Line Adjustments

## 14.72.010 Applicability.

- (1) This chapter applies to a revision to lot boundaries where the revision does not result in the creation of an additional lot.
- (2) Resolution of a dispute over location of a point or line per RCW 58.04.007 is exempt from this chapter.

## 14.72.020 Application requirements.

In addition to the application requirements of SCC 14.06.230, an application for a boundary line adjustment must include all of the following:

- (1) calculation of existing and proposed lot sizes in acres;
- (2) the signatures of the owner of every subject lot, consenting to the proposed adjustment;
- (3) a map that clearly depicts the existing and proposed adjusted boundaries of all subject lots that:
  - (a) conforms to the Department's standards for boundary line adjustments;
  - (b) conforms to the Auditor's requirements for recording;
  - (c) if the application proposes to alter more than one boundary line, is prepared by a licensed surveyor;
  - (d) if the application proposes to alter the boundaries of more than two lots, a Record of Survey compliant with RCW 58.09 and WAC 332-130-050 is required.
- (4) lot certifications for the subject lots;
- (5) a title report showing all persons having an ownership interest in the subject lots, including the legal description of the subject lots, and listing all encumbrances affecting the subject lots, issued within 30 days prior to date of application;
- (6) legal descriptions of the proposed adjusted lots that are certified by a licensed surveyor or title company.

## 14.72.030 Review criteria.

- (1) An application for a boundary line adjustment is subject to the type of review specified in SCC 14.06.150.
- (2) An application for a boundary line adjustment must be reviewed for consistency with all of the following:
  - (a) this chapter;
  - (b) SCC Chapter 14.16, Zoning;
  - (c) SCC Chapter 14.26, Shorelines;
  - (d) applicable Board of Health regulations;
  - (e) for lots with existing development, International Fire and Building Codes for required setbacks.

## 14.72.040 Limitations on Boundary Line Adjustments

### (1) No additional lot may be created.

A boundary line adjustment may not result in the creation of an additional lot.

## **(2) Minimum lot area.**

A boundary line adjustment may not:

- (a) result in the creation of a lot that does not meet the dimensional criteria applicable to the lot for its zone, unless the boundary line adjustment is pursuant to SCC 14.76.200 (1-acre segregation for agricultural land preservation) or SCC 14.70.080 (for lot aggregation), in which case the lots may be combined through a boundary line adjustment, even if the resulting lot still does not meet the dimensional criteria for the zone;
- (b) result in a lot that would not meet the requirements of Chapter 14.24 SCC, Critical Areas;
- (c) result in a lot that would not qualify as a building site pursuant to Board of Health requirements for sewer and water; or
- (d) reduce the overall area in a land division allocated to open space.

## **(3) Multiple zones on the same lot.**

- (a) A boundary line adjustment may not result in a lot located partially within unincorporated Skagit County and another county or a city.
- (b) A boundary line adjustment may not result in multiple zones on a single lot, unless no other alternatives exist.

## **(4) Consistency with approved land division.**

A boundary line adjustment may not be inconsistent with any restrictions or conditions of approval for its associated plat or short plat.

### **14.72.050 Approval**

- (1) Transfer of property ownership of the adjusted area may not occur prior to the Department's approval of the proposed boundary line adjustment.
- (2) Approval of the proposed boundary line adjustment must be conditioned on there having been no intervening changes to the ownership of property subject to the application, as shown in the title report submitted with the application, or a more recent version if subsequently provided.
- (3) Prior to approval, documentation authorizing the transfer of property ownership must be placed on the boundary line adjustment map along with the legal descriptions of those portions of land being transferred when lots are under separate ownership.

### **14.72.060 Recording**

- (1) An approved boundary line adjustment expires if not recorded prior to the limitations on time to record in SCC 14.06.510.
- (2) The final document to be recorded must be signed by all persons having an ownership interest within the property subject to the boundary line adjustment, and their signatures must be acknowledged by a notary public.
- (3) When an approved boundary line adjustment is recorded, the Department must issue lot certification for the adjusted lots and include the lot certification as a note on the recorded document.

## **Chapter 14.74 Land Divisions**

### **14.74.010 Purpose**

The intent of this Chapter is to carry out the policies of the Comprehensive Plan, the Countywide Planning Policies, and the laws of the State of Washington relating to land division.

#### **14.74.020 Applicability**

- (1) This chapter applies to all divisions and redivisions of land for the purposes of sale, lease, or transfer.
- (2) This chapter applies to all types of land divisions, including CaRDs and binding site plans.
- (3) Exceptions. Consistent with RCW 58.17.040, this chapter does not apply to:
  - (a) Cemeteries and other burial plots while used for that purpose;
  - (b) Divisions made by testamentary provisions, or the laws of descent, except that use of the newly created parcels may be limited by Chapter 14.70 SCC;
  - (c) Divisions of land into lots 80 acres and greater (for purposes of computing the size under this exemption of any lot that borders on a street or road, the lot size may be expanded to include that area which would be bounded by the centerline of the road or street and the side lot lines of the lot running perpendicular to such centerline);
  - (d) A division for the purpose of leasing land for facilities providing wireless facility services while used for that purpose;
  - (e) Any other exemption in RCW 58.17.040.

#### **14.74.030 Types of Land Divisions**

- (1) All land divisions are accomplished via one of the following processes:
  - (a) a short subdivision (for division into four or fewer lots);
  - (b) a long subdivision (for division into five or more lots); or
  - (c) a binding site plan (for division into any number of commercial/industrial lots).
- (2) Each short or long subdivision is one of the following:
  - (a) a standard land division;
  - (b) a 1-acre segregation for agricultural land preservation per SCC 14.76.200;
  - (c) a 1-acre-lot Urban Reserve Residential (URR) land division per SCC 14.76.300; or
  - (d) a Unit Lot Subdivision, which may also be a portion of another land division, per SCC 14.76.400; or
  - (e) a Conservation and Reserve Development (CaRD) land division per SCC 14.78.
- (3) Each land division requires a two-stage approval process as described in this chapter:
  - (a) preliminary approval, whereby the layout of lots is approved;
  - (b) final approval, whereby the installation of improvements and infrastructure is reviewed for consistency with preliminary approval, the land division is finalized, and lots are authorized for sale.
- (4) Two or more contiguous lots in any common ownership may be divided through a short subdivision into a maximum of eight lots. Five years must pass before another contiguous short subdivision in common ownership interest may be approved.

#### **14.74.040 Eligibility for Division**

- (1) Only a legal lot (as determined per Chapter 14.70 SCC), or a combination of two or more contiguous legal lots, may be divided.
- (2) Only land within an official designated boundary of a Skagit County Fire Protection District may be divided, unless the division is to divide land for sale only and no development right is desired.

- (a) In the Industrial Forest—NRL zone, a parcel must have been within the boundaries of a fire district as of July 26, 2005, to be considered for development additional to that which is allowed pursuant to SCC 14.10.080(2)(c). The one exception is for land divisions for residential purposes on certain saltwater islands, as further described and allowed under SCC 14.10.080(2)(d).
- (b) Prior to approval of any residential land division outside of a Skagit County Fire District, there must be a water supply to each lot that meets the minimum flow and pressure requirements for operation of a fire sprinkler system installed per National Fire Protection Association (NFPA) 13D or such other fire protection system as approved by the Skagit County Fire Marshal.
- (3) If any portion of a proposed land division is located within a flood control zone as provided in Chapter 86.16 RCW, written approval must be obtained from the State Department of Ecology per RCW 58.17.120.
- (4) If the lot to be divided was created through a prior short subdivision, at least 5 years must have passed since the recording of such prior short subdivision. Additional short subdivisions on the remainder of such lands are not eligible for approval for 5 years unless the total divisions are less than 4 on a single legal lot or less than 8 on 2 or more legal lots. In such instances, the total divisions may not total more than 4 or 8, respectively, during the 5-year period.

#### **14.74.050 General Requirements**

##### **(1) Applicability.**

- (a) This section applies to all types of land divisions.
- (b) In addition to all other applicable provisions of Skagit County Code, a land division must comply with the provisions of this section and any applicable standards in Chapter 14.76-14.79.

##### **(2) Minimum lot size.** The land division must meet the size requirements in the underlying zone or the alternatives in Chapter 14.76-14.79, as applicable.

- (a) For the purpose of determining the gross acreage of a proposed land division, the acreage includes the area that would be bounded by the centerline of any existing public road or street, that is adjacent to the land division, and the side lot lines of the lot running perpendicular to such centerline.
- (b) For the purposes of determining whether proposed lots within a proposed land division meet the minimum lot size of the zone, the proposed lot acreage includes:
  - (i) The area that would be bounded by the centerline of any existing public road or street that is adjacent to the lot and the side lot lines of the lot running perpendicular to such centerline; and
  - (ii) The area that would be bounded by the centerline of any proposed public or private road or street, which is adjacent to the lot and internal to the land division, and the side lot lines of the lot running perpendicular to such centerline.
- (c) For a public safety facility in certain zones, the Director may reduce the minimum lot size required for a land division per SCC 14.10.100.

##### **(3) Access.** Each lot within a land division must have approved access to a street conforming to County road standards, unless an alternative standard has been approved by the County Engineer in a pre-application meeting and documentation of such approval is submitted with the development application. To ensure safe and adequate access, the County Engineer:

- (a) may approve private streets if (i) the private street requirements contained in the County road standards as adopted in Chapter 14.66 SCC are met, and (ii) adequate provision is made for access to the private street by future land divisions;

- (b) may limit direct access to certain streets and require on-site public or private streets in lieu of individual driveways, in accordance with the County road standards;
  - (c) must be satisfied that the applicant has demonstrated sufficient access right, and appropriate pro-rata contributions for the entire access route, where access to the land division is gained via a private road;
  - (d) must require off-site improvements to public or private streets needed to provide access from the subdivision to a road acceptable to the County Engineer; and
  - (e) must ensure that the number of lots to be served by the road system complies with the road standards.
- (4) If access is proposed off of a State highway, a State access permit must be obtained by the applicant. The access permit must be approved prior to the start of construction of on-site improvements, or final plat, whichever is sooner.
- (5) Safe Walking Conditions for School Children. In cases where a school is located within a quarter mile of a long subdivision, where it is likely the children will walk to school, information regarding pedestrian needs generated by the project will be required and reviewed. Where deemed necessary, safe walkways between the land division and the school may be required.
- (6) Public Street Rights-of-Way. Dedication or deeding to the County of right-of-way or a portion thereof for public streets is required within or along the boundaries of all land divisions or of any lot(s) within them where facts support that such dedication is reasonably necessary as a result of the impact created by the proposed development and where 1 or more of the following circumstances are met:
- (a) The County's transportation plan indicates the necessity of a new or additional right-of-way or portion thereof for street purposes;
  - (b) The dedication is necessary to extend or to complete the existing or future neighborhood street pattern to provide a public transportation system that supports future development of abutting property consistent with the Skagit County Comprehensive Plan or Skagit County Zoning Code;
  - (c) Where necessary to provide additions of right-of-way to existing County right-of-way to meet County road standards.
- (7) Minimum road frontage of each lot must be 70 feet except when located on a cul-de-sac, then 40 feet. Individual lots may be accessed by a 20-foot right-of-way. Panhandled lots may only be allowed if there is no other feasible access, as determined by the Director in a pre-application meeting and documentation is submitted with the development application. Newly constructed contiguous or adjoining easements for access purposes are not permitted.
- (8) Parkland and Facilities. The developer must either provide parkland and facilities within the land division in accordance with the standards in the Skagit County Comprehensive Park and Recreation Plan or pay a fee in lieu of required land or facilities or both.
- (9) Open Space Corridors. Open space easements must be provided by any land division when such divisions are located within any community or regional open space corridor identified by the Skagit County Park and Recreation Plan. The residents or lot owners of the development must be provided access to the open space easement. The area of the open space easement must be counted as part of the site for purposes of density and floor area calculations. Maintenance of the open space easement is the responsibility of the County.
- (10) Evidence must be supplied from the applicable purveyor of the availability of water to serve the projects and adequate provision for sewage disposal. The method of sewage disposal must also be provided, including soil data, if individual sewage disposal is to be used, or if public sewer or community septic disposal is used, the name of the system. If individual wells are to be utilized, documentation approving the well sites must be provided, pursuant to SCC Chapter 12.48. A land

division within a seawater intrusion area (as defined in SCC 14.24.380) may not propose to use a well where chloride levels are 200 ppm or greater.

- (11) Concurrency of services, per Chapter 14.62 SCC.
- (12) A proposed land division [that borders waters of the state] may be required to provide public access to and along such waters pursuant to the County's Shoreline Master Program.
- (13) Stormwater. Permanent stormwater facilities must be designed to accommodate all land and planned development within a land division. The Director may require facilities to be designed for individual lots or groups of lots within the proposed land division.
- (14) For a subdivision of more than 10 lots, a public transit stop must be provided in coordination with Skagit Transit if the project is located on a transit route.

#### **14.74.090 Violations.**

- (1) Pursuant to RCW 58.17.300, it is a gross misdemeanor to sell, offer for sale, lease, or transfer any lot, tract, or parcel of land in violation of Chapter 58.17 RCW or this chapter.
- (2) Each sale, offer for sale, lease, or transfer of each separate lot, tract, or parcel is a separate and distinct offense.
- (3) This chapter may also be enforced per Chapter 14.09 SCC.

#### **14.74.100 Preliminary Approval—Application Requirements**

- (1) In addition to the application requirements of SCC 14.06.230, an application for preliminary approval of a land division must include:
  - (a) A preliminary land division map, prepared by a registered engineer or a registered land surveyor, that includes the following:
    - (i) The name and address of all owners of record, the developer, and the registered land surveyor or registered engineer preparing the plat;
    - (ii) Legal description of the boundaries of the land;
    - (iii) A certificate by a registered land surveyor certifying that the boundaries of the land have been surveyed and monumented and that all distances and bearings on the preliminary plat are accurate;
    - (iv) Section map showing the boundary of the plat in relation to the section, with notation of Section, Township, and Range. This information may be done as an insert drawn to a convenient scale or included within the boundary of the parcel as approved by the Director.
    - (v) A vicinity sketch at a minimum scale of 2 inches = 1 mile;
    - (vi) Number and dimensions of all proposed lots and tracts, which must be sequentially numbered or lettered;
    - (vii) The square footage and acreage of each individual lot.
    - (viii) Total acreage of the portion to be platted, adjacent tracts when under the same ownership, and of individual phases;
    - (ix) The date, scale (written and graphic), and a north arrow;
    - (x) The scale must be provided suitable to the size of the project;
    - (xi) Existing structures including building envelopes and building setback lines;
    - (xii) the layout of existing and conceptual horizontal layout of proposed roads and utilities, including existing and proposed easements;



- (xiii) the location of municipal boundaries, township lines, and section lines;
  - (xiv) the location, width and names of existing and proposed roads;
  - (xv) and additional right-of-way required for substandard roads. Proposed roads must be differentiated as such.
  - (xvi) Names of all roads serving 4 or more existing or proposed lots;
  - (xvii) Building front, rear and side setback lines with distance from the property line indicated. This may be shown by a typical insert.
  - (xviii) All horizontal control survey work must be Class "3." Angular error of closure must not exceed  $20' \sqrt{N}$ . The total linear error of closure must not exceed 1/5,000.
  - (xix) Maximum error in feet must not exceed +/- 0.26 feet.
  - (xx) A survey of the portion of the section in which the plat is located showing the original or established corners, a description and the original traverse of the same showing error of closure and method of balancing must also be submitted. This is to be accompanied by a subdivision insert showing all calculations necessary to determine the corners and distances of the plat.
  - (xxi) Floodway and floodplain lines;
  - (xxii) Notation of flood hazard zone and map panel reference number;
  - (xxiii) Protected critical area buffers pursuant to Chapter 14.24 SCC, Critical Areas Ordinance.
  - (xxiv) If the land division is to be served by a well or wells, the area reserved for the well and the protection of same must be shown on the plat.
  - (xxv) The location of any wellhead protection areas within the subject property from any adjacent off-site wells.
- (b) A title report issued within 90 days of application, showing all persons having an ownership interest, a legal description describing exterior boundary of application site and listing all encumbrances affecting said site;
  - (c) A completed environmental checklist, if required by SCC Chapter 16.12, State Environmental Policy Act, and WAC Chapter 197-11;
  - (d) Proposed articles of incorporation, bylaws, and Covenants, Conditions and Restrictions (CC&Rs), if any;
  - (e) If critical areas are present on the site or within 200 feet, a critical areas assessment pursuant to Chapter 14.24 SCC;
  - (f) The method of sewage disposal, including soil data, if individual sewage disposal is used, or if public sewer or community septic disposal is to be used, the name of the system, and letter of approval;
  - (g) compliance with all provisions outlined in SCC 12.48.240(1) (Water Requirements for Land Division) and any applicable State and Federal regulations regarding water use;
  - (h) All restrictions proposed to be imposed on the use of the land;
  - (i) A stormwater site plan per SCC Chapter 14.32;
  - (j) Documentation of the date and method of original segregation for the subject property verifying that the lot or lots were not created in violation of the short subdivision or subdivision laws in effect at the time of creation;
  - (k) A list of any other permit applications having been filed for the same site;
  - (l) Any required fees; and

- (m) Any additional information determined to be necessary to demonstrate compliance with other portions of the Skagit County Code.
- (n) If any portion of a proposed land division is located within a flood control zone as provided in Chapter 86.16 RCW, written approval from the State Department of Ecology per RCW 58.17.120.
- (o) If access is proposed off of a State highway, evidence of the application for a state access permit;
- (2) Additional requirements for a long subdivision. In addition to the requirements of subsection (1), an application for a long subdivision must include:
  - (a) Ground contours with intervals of 5 feet or less;
  - ~~(b) Assessor's list of property owners within 300 feet.~~
  - (c) Location, number, and description of types of any existing and proposed community recreational facilities on site;
  - (d) A conceptual grading plan showing proposed clearing and vegetation retention pursuant to Chapter 14.24 SCC and proposed topography detailed to 5-foot contours.
- (3) The Director may waive specific application requirements determined to be unnecessary for review of the application.
- (4) Phased Development.
  - (a) An application that proposes to develop a site in phases must also include a phasing plan.
  - (b) The phasing plan must describe any site improvements designed to relate to, benefit, or be used by the entire development (such as stormwater detention pond or tennis courts in a residential development); and must relate completion of such improvements to completion of 1 or more phases or stages of the entire development.
  - (c) Once a phasing plan has been approved, the information contained therein must be shown on, or the phasing plan must be attached to and made a part of, the land division.
  - (d) Approval of a phasing plan does not constitute approval of the land division.

#### **14.74.110 Preliminary Approval—Review Criteria**

- (1) An application for preliminary approval of a land division is subject to the type of review specified in SCC 14.06.150.
- (2) An application for preliminary approval of a land division must be evaluated for conformity with:
  - (a) the requirements of this chapter, especially SCC 14.74.050, General Requirements
  - (b) the dimensional and other requirements of the applicable zone(s), or SCC Chapter 14.76 Standards for Special Land Divisions, or 14.78 Standards for CaRD Land Divisions, as applicable;
  - (c) SCC Chapter 12.05, On-Site Sewage Code—Rules and Regulations;
  - (d) SCC 12.48.240, Water requirements for land divisions;
  - (e) SCC Chapter 14.24 Critical Areas; and
  - (f) SCC Chapter 14.32, Stormwater;
  - (g) SCC Chapter 14.62, Concurrency.
- (3) Based on the criteria in this section, the proposed land division may be granted preliminary approval or approval with conditions, or may be denied.

#### **14.74.120 Preliminary Approval—Revisions.**

An application to revise a land division that has received preliminary approval, but not final approval, must comply with the following:

- (1) A revision that results in any substantial changes as determined by the Director, must be treated as a new application for purposes of vesting and must be reviewed under the same process required for a preliminary approval. For the purpose of this Section, substantial change includes:
  - (a) The creation of additional lots;
  - (b) Changes in access points that are inconsistent with the Road Standards; or
  - (c) Changes in the proposal that leads to built or natural environmental impacts that were not addressed in the original approval.
- (2) When revising an approved preliminary land division to a CaRD, only 1/2 of the original application fees may be charged.
- (3) Approval of the following modifications by the Department are not substantial revisions:
  - (a) Engineering design, unless the proposed design alters or eliminates features specifically required as a condition of preliminary land division approval;
  - (b) Changes in lot dimensions that are consistent with Chapter 14.16 SCC or the applicable provisions in Chapter 14.76 or 14.78;
  - (c) A decrease in the number of lots to be created.

#### **14.74.130 Preliminary Approval—Duration of Validity**

- (1) A preliminary land divisions must receive final approval for lots to be created and eligible for sale.
- (2) A preliminary land division must obtain final approval within the following time periods:
  - (a) Preliminary short subdivision approval is valid for 36 months.
  - (b) Preliminary long subdivision approval is valid for the time period listed in RCW 58.17.140, as amended.
- (3) If any condition is not satisfied and the final land division is not recorded within the approval period, the preliminary plat approval is null and void.
- (4) If the final plat is being developed in phases, the initial phase must be recorded within the approval period, or the land division is null and void. Additional phases may continue to have validity, based on a phasing schedule established by the preliminary approval.
- (5) Any applicant who has received preliminary short or long subdivision approval on or before September 1, 2011, who submits a request for extension in writing to the Director at least 30 days before the preliminary approval expiration date may be granted a one-year extension of the preliminary approval by the Director or designee upon a showing that the applicant has attempted in good faith to submit the final land division within the preliminary approval period set forth in Subsections (6)(a) and (b) of this Section. Only five such extensions may be allowed.
- (6) Any applicant who has received preliminary short or long subdivision approval on or before April 1, 2014, who submits a request for extension in writing to the Director at least 30 days before the preliminary approval expiration date may be granted a one-year extension of the preliminary approval by the Director or designee upon a showing that the applicant has attempted in good faith to submit the final land division within the preliminary approval period set forth in Subsections (6)(a) and (b) of this Section. Only 10 total extensions may be allowed pursuant to Subsections (6)(e) and (f) of this Section.

- (7) Approval of any extension may contain additional or altered conditions and requirements, including a requirement that stormwater designs be updated to reflect stormwater requirements in effect at the time of the application for an extension.

#### **14.74.140 Construction Plan Approval**

- (1) Engineering plans for roads and other proposed or conditioned public improvements must be prepared and submitted by the applicant and reviewed and approved by the County Engineer prior to the commencement of on-site clearing or construction activities and approval of the final subdivision.
- (2) Construction plans may be submitted for review during the pendency of the preliminary plat application, but may need to be revised after preliminary plat approval to conform to the conditions of approval.

#### **14.74.200 Final Approval—Application Requirements**

(1) Purpose. The purpose of this Section is to specify provisions that must be satisfied prior to the final approval and recording of final land division maps, for those preliminarily approved long and short subdivisions. Issuance of building permits or sale or lease of lots within a land division is not permitted until the final land division is recorded with 1 exception. In recognition of the original building right, 1 building permit on the original parcel may be pursued during the subdivision process, so long as it conforms to the preliminary subdivision.

In addition to the general application requirements of SCC 14.06.230, an application for final approval of a subdivision must include:

- (1) A final subdivision map drawn consistent with the specifications for a preliminary subdivision map in SCC 14.74.100 and showing:
  - (a) A scale not less than 100' to the inch, unless otherwise determined by the Director, on maps 18" x 24", with a 2-inch border on the left edge, and 1/2-inch border on all other sides;
  - (b) All existing monuments of record, courses and distance necessary to re-stake any portion of said plat from said map. All other surrounding property must be labeled in dotted lines whether platted or otherwise;
  - (c) Bearings of all lots, tracts, and centerlines of public and private roads within the project boundary;
  - (d) Individual lot accesses, distance of accesses to property lines, and road names;
  - (e) A certificate giving a full and correct description of the lands divided as they appear on the plat, including a statement that the subdivision has been made with the free consent and in accordance with the desires of the owner or owners;
  - (f) Official seals of attesting officers and of the registered land surveyor who platted said property must be platted on the final tracing.
  - (g) The final plat must show acknowledgments, dedications, Treasurer's Certificate, approvals by the Chairman of the Board of County Commissioners, the Hearing Examiner, the County Engineer or Director of Public Works, the Director of Planning and Development Services, and the County Health Officer or their designees, and the certificate of the registered land surveyor who platted said property. Any conditions of approval will be noted on the face of the plat, or reference must be made to any recorded documents containing conditions of approval or any pertinent covenants and restrictions. The subdivision must contain all certifications required by the County based on the most current standard plat notes, plat water notes as required by SCC 12.48.240(3), and any other notes or certifications that the Director determines are necessary to satisfy the conditions of plat approval.

- (h) All proposed lots less than 5 acres in size will require the well-protection zone(s) and approved on-site sewage system area(s) to be shown on all preliminary and final plat maps. If the well-protection zone exercises the right to provide this sanitary control of the land through other legal provisions, such as recorded covenants or easements, these must be depicted on or recorded references must be shown on the plat.
- (i) When a private road is included in the land division the following note must be included on the final plat:

In no case may the County accept a dedication or any obligation as to any such road, street, and/or alley until the same and all roads, streets, and/or alleys connecting the same to the full, current County road system have been brought to full, current County Road Standards and a right-of-way deed has been transferred to and accepted by the County.

- (j) The final plat must contain a note that states:
  - (i) The total amount of impervious surface that the common stormwater facility is designed to accommodate; and
  - (ii) For each lot, the amount of impervious surface that the common stormwater facility is designed to accommodate.
- (2) a certification from the Skagit County Treasurer's Office that property taxes for the subject property are not delinquent;
- (3) a deposit to cover anticipated taxes and assessments, for the current year is required for final short subdivisions, and for the current year and next year for final long subdivisions;
- (4) all required fees, including required bonding, and fees in lieu;
- (5) an electronic copy of protective deed covenants, if applicable.

#### **14.74.210 Final Approval—Review criteria.**

- (1) An application for final approval of a land division is subject to the type of review specified in SCC 14.06.150.
- (2) An application for final approval of a land division may be approved only if:
  - (a) The application demonstrates conformity with all the conditions in the preliminary approval.
  - (b) Each plat set or document must be stamped, signed, and dated by a professional surveyor.
  - (c) The improvements required by the preliminary approval have been constructed, except that improvements may be bonded as allowed by:
    - (i) Chapter 14.66 SCC for Public Works Standards;
    - (ii) Chapter 12.05 SCC for on-site sewage; and
    - (iii) Chapter 12.48 SCC for drinking water.
  - (d) If public sewer or community septic disposal is to be used, the system must be constructed and stub-outs provided to each lot or appropriately bonded pursuant to SCC 12.48.190 and Chapter 12.05 SCC.
  - (e) The design and construction of drainage facilities must comply with SCC Chapter 14.32, Stormwater Management, and any easement for inspection or maintenance required by that Chapter must be provided to Skagit County.
  - (f) One-inch diameter iron pipes or 1/2-inch rebar with identifying plastic cap must have been set at all lot corners (pipe length determined by soil conditions); cased monuments must be set in asphalt roads. Temporary staking may be substituted prior to and during construction. Final

staking must be completed after utilities have been installed and roads constructed to subgrade standards.

- (g) Roads leading to or within a plat or subdivision, whether dedicated public roads or private roads, are constructed in compliance with Skagit County Road Standards unless otherwise approved by the County Engineer.
- (3) In no case may the County accept a dedication or any obligation as to any such road, street, or alley until the same and all roads, streets, and alleys connecting the same to the County road system have been brought to full, current County Road Standards and a right-of-way deed has been transferred to and accepted by the County.
- (4) Where a driveway easement provides access to a lot not accessible directly from a road built to Skagit County Road Standards, the driveway must be built to driveway standards contained in the International Fire Code Section 503 as amended by Skagit County prior to final plat approval. Driveway easements must be a minimum of 20 feet wide and must have additional width as required to contain any cuts, fills and slopes required to build a driveway.
- (5) All final plats submitted for approval to the County Commissioners must be accompanied by the written recommendation for approval or denial by the County Health Department or other agency furnishing sewage disposal and supplying water as to the adequacy of the proposed means of sewage disposal and water supply, including approval of the engineering details for such facilities. Prior to approval by the Skagit County Health Officer, engineering design and construction documents that comply with Chapters 246-290 and 246-291 WAC, as-built documents approved by the purveyor or its designee, and a letter of acceptance by the purveyor must all be acknowledged in writing, and placed on file by the Planning Department. Requests for final approval must comply with SCC 12.48.240(2) and Chapter 12.05 SCC, On-Site Sewage Code—Rules and Regulations.
- (6) All final subdivisions submitted for approval to the County Commissioners must be accompanied by the written recommendation for approval or denial from the County Engineer.

#### **14.74.220 Final Approval—Recording**

- (1) All final plats must be recorded in the County Auditor's Office.
- (2) Final plats may not be recorded until:
  - (a) approved by the decisionmaker on the application; and
  - (b) all required fees have been paid by the applicant.
- (3) The Department is responsible for recording of the final plat within 30 days of approval.
- (4) After the plat tracing has been filed for record with the County Auditor, it becomes the property of Skagit County.
- (5) Lot certification for newly created lots must be issued and recorded for all lots upon recording of the plat map, either separately or as a note on the short plat or plat map.

#### **14.74.300 Alterations**

- (1) Alterations after a final subdivision has been approved and recorded must:
  - (a) be processed in accordance with RCW 58.17.215 through 58.17.218; and
  - (b) must comply with regulations in effect at the time the application for an alteration is submitted.
- (2) Application requirements.
  - (a) An application for an alteration and recording documents must contain the signatures of the majority of those persons having an ownership interest in lots, tracts, parcels or divisions in the subject subdivision to be altered or any portion to be altered.

- (b) If the final subdivision is subject to restrictive covenants that were filed at the time of the approval of the final subdivision, and the application for alteration would result in the violation of a covenant, the application must contain an agreement based on the terms and conditions of the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.
- (c) Any features contained in the original land division that has been relied upon in subsequent land development or County planning decisions must be incorporated into the alteration.

(3) Review.

- (a) An application for an alteration of an approved final short or long subdivision is subject to the type of review specified in SCC 14.06.150.
- (b) The application may be approved if the proposed alteration is consistent with the requirements of the applicable land division code.
- (c) After approval of an alteration, the applicant must produce a revised drawing of the approved alteration of the final subdivision, to be processed in the same manner as set forth in this Chapter for final approvals of a land division.

#### **14.74.400 Vacations**

- (1) An application for a vacation of a subdivision is subject to the type of review specified in SCC 14.06.150 and must follow the requirements of RCW 58.17.212.
- (2) An application for vacation of a County road may be processed pursuant to this Chapter only when such a vacation is proposed in conjunction with the vacation of the plat. An application for a vacation limited to one or more County roads must be processed in accordance with Chapter 36.87 RCW and Chapter 11.08 SCC.

## **Chapter 14.76 Standards for Special Land Divisions**

#### **14.76.200 One-Acre Segregation for Agricultural Land Preservation**

- (1) **Purpose.** This section is intended to encourage long-term conservation of agricultural land.
- (2) **Applicability.** This section applies to a lot that:
  - (a) consists predominantly of Lowland Prime Soils (as defined by the Department’s “Farmland Soils Map”); and
  - (b) is zoned Agricultural–Natural Resource Land or Rural Resource–Natural Resource Land.
- (3) **Creation of a substandard residential lot.**
  - (a) The owner of an existing house on a qualifying lot may create a substandard residential lot in consideration for placing a conservation easement per subsection (4) on the balance of the property by means of:
    - (i) a short subdivision, in cases involving a single legal lot;
    - (ii) a boundary line adjustment, in cases involving multiple legal lots (where the net number of lots will not be increased).
  - (b) If the lot has more than one residential structure existing as of September 11, 1996, then separate lots may be created for each such primary residence.
  - (c) The substandard residential lot to be created must include the existing house and is limited to 1-acre in size unless site constraints preclude placement of a well or septic system, in which case it must be the minimum necessary to accommodate a well and septic system.

- (d) Critical areas review per Chapter 14.24 SCC is not required for the purpose of this segregation unless additional development, including a new well or septic system, is contemplated as part of the segregation. Any subsequent development on the segregated lot is subject to standard critical areas review. Water and septic review is not required for the portion of the lot being conserved.

**(4) Agricultural conservation easement.** The property owner must grant a conservation easement under the provisions of RCW 64.04.130 on the remainder of the property. The conservation easement must:

- (a) extinguish future residential development rights;
- (b) limit use of the property to agricultural production;
- (c) be on forms acceptable to the Department and the Skagit County Farmland Legacy Program;
- (d) by its terms remain in effect until a court of competent jurisdiction finds that it is no longer possible to commercially use the property for the production of food or agricultural products;
- (e) be granted to Skagit County or a substantially similar conservation easement to a nonprofit Skagit County-based land trust or other qualified conservation organization as defined in RCW 84.34.250.

#### **14.76.300 One-Acre-Lot Urban Reserve Residential (URR) Land Divisions**

**(1) Purpose.** The purpose of this section is to prescribe standards for the creation of 1-acre lots in the Urban Reserve Residential UGA zone while requiring shadow platting of the remainder of the land division to facilitate provision of future urban services and urban lot sizes.

**(2) Applicability.** This section applies to short subdivisions (1-4 lots) of property that is both:

- (a) within the Urban Reserve Residential (URR) UGA zone; and
- (b) within the relevant city's URR overlay zone for 1-acre lot development pursuant to subsection (3).

**(3) Designation of overlay zone.**

- (a) A city with a portion of their UGA zoned URR may designate all or a portion of that URR zone to allow 1-acre lot development prior to annexation and extension of urban services. To accomplish that designation, the city must amend its comprehensive plan designation and adopt an overlay zone for the area to designate it appropriate for 1-acre lot development.
- (b) The city comprehensive plan amendment and zoning overlay amendment must include findings that demonstrate how the area proposed for 1-acre lot development meets all of the following criteria:
  - (i) The city has determined the area can be served with extension of city sewer within 6 years from the date of development approval.
  - (ii) The city will limit the number of 1-acre lots created to 4 lots per lot that exists as of the date of the request for the 1-acre lot development.
  - (iii) The city has determined that a development proposal's payment of city impact fees, if any are adopted and required, is adequate mitigation of the public facilities or services for which the impact fees were collected.
  - (iv) The city has determined that reviewing and approving a 1-acre plat for the area would not preclude future extension of urban infrastructure and services to the area or to other portions of the unincorporated UGA and would not interfere with ultimate future development of the area platted at minimum urban densities, consistent with the city's planning and zoning designations for this portion of the city UGA.



- (4) Preliminary approval application requirements.** In addition to the application requirements of SCC 14.74.100, an application for a preliminary approval of a land division under this section requires submission of a shadow plat.
- (a) The shadow plat must demonstrate how the property can be further subdivided and developed in the future at the minimum urban densities required by the city's residential zoning.
  - (b) The shadow plat must show proposed future urban lot lines and proposed future urban infrastructure sufficient for the County to verify that the current development proposal will not preclude future urban infill of the property when it is annexed to the city and urban services are provided.
  - (c) The shadow plat is not to be recorded as lot lines or other restriction on the property, but must be retained by the County to assist the property owner and the County or city in achieving future urban development of the property after annexation and extension of urban services.
  - (d) The shadow plat may be used by the County in reviewing and approving the locations of structures within the lots being developed, as part of building permit review.
  - (e) The future urban lot lines and future urban infrastructure locations shown on the shadow plat may be modified administratively by the County, at the request of the property owner, provided the County consults with the city in whose UGA the property is located before doing so and provided any such modification protects the ability to develop the property in the future at urban densities.
  - (f) Creation of additional lots at urban densities in the future requires annexation to the city in whose UGA the property is located and a future subdivision, binding site plan or short plat approval, whichever is applicable, pursuant to the applicable city subdivision regulations.
- (5) Review and approval.** The decisionmaker must include conditions or limitations in the preliminary approval to:
- (a) ensure adequate utilities, public services, and infrastructure prior to annexation; and
  - (b) facilitate development at full urban densities after annexation.
- (6) Final approval application requirements.** In addition to the application requirements of SCC 14.74.200, an application for final approval of a land division under this section requires:
- (a) The plat must contain the following note on the face of the plat or site plan indicating that the County has on file shadow-plat information demonstrating how the site may be further developed at urban densities in the future:

This subdivision was approved together with a shadow-plat showing that this property could be developed at a density of 4 dwelling units per acre at a future date. Before any further subdivision or structures are constructed on this site, the Department must review the shadow-plat as part of the project permit review to ensure that said development is in conformance with the shadow-plat.
- ### 14.76.400 Unit Lot Subdivisions
- (1) Purpose.** The purposes of this Section are:
- (a) To provide rules, regulations, and standards governing the approval of unit lot subdivisions; and
  - (b) To provide another tool that allows for individual ownership of individual unit(s) that share a lot.
- (2) Applicability.**
- (a) A unit lot subdivision may be used in any development with two or more dwelling units meeting the standards of this section.

- (b) A unit lot subdivision may also be used to subdivide an accessory dwelling unit from the principal structure.
- (c) A unit lot subdivision may be combined with a subdivision or short subdivision so long as the portion of the development utilizing this section meets the requirements of this section.

**(3) General Provisions.**

- (a) Development on the parent lot, rather than individual unit lots, must comply with the applicable standards for the underlying zone.
- (b) Parking required for a dwelling unit may be provided on a different unit lot than the unit lot with the dwelling unit for which the parking serves, as long as the right to use the parking is included in notes on the face of the plat or formalized by an easement recorded with the Skagit County Auditor's Office.
- (c) Portions of the lot not subdivided for individual unit lots must be owned in common by the owners of the individual unit lots, or by a homeowners' association consisting of the owners of the individual unit lots.
- (d) Unit lots may not be further divided by additional unit lot subdivisions.
- (e) Notes must be placed on the face of the short plat or plat that state:
  - (i) The title of the plat including the phrase "Unit Lot Subdivision."
  - (ii) Approval of the development on each unit lot was granted by the review of the parent lot.
  - (iii) Subsequent subdivision sections, additions, or modifications to unit structure(s) may not create or increase any nonconformity of the parent lot.
- (f) Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions (CC&Rs) identifying the rights and responsibilities of property owners and homeowners' association must be executed for use and maintenance of common garage, parking, and vehicle access areas; bike parking; solid waste collection areas; underground utilities; common open space; shared interior walls; exterior building facades and roofs; and other similar features.

## **Chapter 14.78 Standards for CaRD Land Divisions**

### **14.78.010 Purpose**

The purpose of this section and a CaRD land division is to:

- (1) To buffer and protect natural resource lands;
- (2) To reserve lands that may be appropriate for future urban growth areas;
- (3) To help retain the rural landscape, character, and lifestyle;
- (4) To protect critical areas by transferring development potential from the critical area portion of a site to a non-critical area portion of a site;
- (5) To create development patterns that provide for greater efficiency and flexibility for current and future land use; housing diversity; natural resource land and critical area conservation and protection; retention of open space; and provide incentives for utilizing CaRD land divisions; and
- (6) To ensure the continued existence of open space as an element of Skagit County's rural character.

### 14.78.020 Applicability.

This chapter applies to applications for short or long subdivisions that opt to use the CaRD design standards.

### 14.78.030 What is a CaRD?

- (1) A Conservation and Reserve Development (CaRD) land division is a method of single-family residential land development characterized by building lots or envelopes that are much smaller than otherwise allowed in the zone, resulting in:
  - (a) open space for agriculture or forestry;
  - (b) continuity of ecological functions characteristic of the property;
  - (c) preservation of rural character;
  - (d) reduced impervious surface area; and
  - (e) lowered costs of development and maintenance.
- (2) CaRD land divisions follow the requirements of this section when in conflict with the requirements of the underlying zone.

### 14.78.040 Where is a CaRD allowed?

A CaRD land division is permitted only in the following zones:

- (1) Agriculture-NRL;
- (2) Industrial Forest-NRL;
- (3) Secondary Forest-NRL;
- (4) Rural Resource-NRL;
- (5) Rural Intermediate;
- (6) Rural Reserve;
- (7) Rural Village Residential; and
- (8) Hamilton Urban Reserve.

### 14.78.050 Density and Open Space Limits

- (1) The table below establishes, for each zone:
  - (a) the minimum amount of contiguous acreage within a zone that permits a CaRD in that zone;
  - (b) the maximum gross residential density for a CaRD;
  - (c) the maximum number of dwelling units per cluster pod in a long CaRD;
  - (d) the types of Open Space allowed for a CaRD.

**Table 14.78.050-1 CaRD Density and Open Space Limits**

Zone	Minimum Size for a CaRD	Max Residential Density	Max Units per Cluster Pod	Allowed Types of Open Space
Ag-NRL	80 ac	1 du per 40 ac	6	Os-PA, Os-NRL, Os-RSV
IF-NRL	160 ac	1 du per 80 ac	6	Os-PA, Os-NRL, Os-RSV
SF-NRL	40 ac	1 du per 20 ac	6	Os-PA, Os-NRL, Os-RSV
RRc-NRL	20 ac	1 du per 10 ac	14	Os-PA, Os-NRL, Os-RSV
RI	5 ac	1 du per 2.5 ac	14	All

Zone	Minimum Size for a CaRD	Max Residential Density	Max Units per Cluster Pod	Allowed Types of Open Space
RRv	10 ac	1 du per 5 ac	14	All
RVR	5 ac	1 du per 2.5 ac	14	All
H-URv	20 ac	1 du per 10 ac	14	Os-PA, Os-UR, Os-RO, Os-RSV

**(2) Exceptions and limitations.**

- (a) Where the density ratio results in a fraction of a dwelling unit, the permitted number of dwelling units must be rounded down to the nearest whole number.
- (b) In the RVR zone, where public water service is provided to the CaRD, the minimum size is 2 acres and the maximum residential density is 1 du per 1 acre.
- (c) In areas designated as having a “sole-source aquifer,” e.g. Guemes Island, there is no density bonus for CaRD developments above the density limits in the underlying zone unless the source of water is from a public water system whose source is outside the sole-source aquifer area or from an approved alternative water system pursuant to SCC Chapter 12.48. Applications for CaRDs requesting an alternative system to obtain a density bonus is processed as a Type 3 review per SCC 14.06.150. Hearing Examiner criteria for review of an alternative system must ensure that the system has no adverse impacts to the sole source aquifer.
- (d) In the Samish River Basin, the CaRD density bonus is limited as provided in SCC 14.24.350(1)(b).
- (e) Where a proposed CaRD includes two or more zones, development rights may not be moved from a higher density zone to a lower density zone.

**14.78.060 Design Requirements.**

**(1) General Lot Location and Orientation.**

- (a) Buildings may not be located in critical areas and their buffers designated pursuant to Chapter 14.24 SCC.
- (b) In the Airport Environs Overlay, building lots may not be located within Airport Compatibility Zone 2.
- (c) In a CaRD within or adjacent to an NRL designation, lots must be located to:
  - (i) minimize potential impacts to natural resource land production on both the subject property and any adjacent resource lands;
  - (ii) not complicate resource access or normal field operations or harvesting; and
  - (iii) minimize the impact of resource land operations on the residential lot (such as airborne dust, noise, and smell).
- (d) On land zoned RRc-NRL that is subject to the ongoing ag rules in SCC 14.24.120, any property owner who applies for and receives CaRD approval must, at the time of CaRD approval, automatically are subject to the buffer requirements of SCC 14.24.530 and are no longer subject to the provisions of SCC 14.24.120.

**(2) Short CaRDs.**

- (a) Lots must be located to minimize infrastructure requirements such as roadways, driveways, utilities, etc., to the greatest extent possible.
- (b) New building lots within short CaRDs must share infrastructure either with other new building lots or with existing uses on the property.
- (c) In order to achieve a reduction of necessary infrastructure, short CaRDs are required to meet one of the following provisions:

- (i) Where the subject property abuts an existing public road, all new building lots must be clustered and the cluster must adjoin the road right-of-way; or
- (ii) Where an existing residence is located either on the subject or an adjacent property, all new building lots must be clustered and the cluster must adjoin the building envelope of the existing residence.
- (d) As an alternative to Subsection (2)(c), for divisions resulting in more than 1 new building lot, lots may be located elsewhere within the CaRD as long as all lots proposed for new construction are clustered together, except where prohibited by SCC 14.78.060(1)(a).
- (e) Alternatives to Subsections (2)(c) and (2)(d) of this Section may be waived if the short CaRD is processed subject to a Type 3 review per SCC 14.06.150 and the Hearing Examiner determines that the purposes of SCC 14.78.010 can be met and the required right-of-way or easement area for any access roads to serve the building lots/envelopes must then be taken out of the allowable area for the building lots/envelopes.

### **(3) Long CaRDs.**

- (a) Clustering of Lots Required. Except as described below, clustering of lots within the CaRD into cluster pods is required.
- (b) The number of dwelling units in each cluster pod may not exceed the number specified in Table 14.78.050-1. The size of septic fields (both community and individual) or community water systems may further limit the size of cluster pods within a development, if such limitation is necessary to meet septic or water system requirements.
- (c) A lot containing an existing house need not be included within a cluster, unless this is necessary to meet the other CaRD design requirements.
- (d) Clustering of lots into cluster pods may not be required in the following limited circumstances:
  - (i) Special conditions and circumstances exist which are not the result of actions or omissions by the applicant;
  - (ii) Impacts on resource lands or critical areas make clustering inappropriate, or topographic or critical area constraints make clustering infeasible; and
  - (iii) Separate access points to the adjacent road, if necessary, are acceptable to the County Engineer.
- (e) If clustering into cluster pods is not required, additional conditions may be applied and the lot size requirements continue to apply.
- (f) Setbacks. Cluster pods must be located a minimum of 25 feet from each other and from existing public roads.
- (g) Screening. Except in Ag-NRL, cluster pods must be screened from existing adjacent public roads and from other cluster pods either by:
  - (i) Existing topography and vegetation; or
  - (ii) An approved landscaping plan pursuant to Chapter 14.25 SCC.
- (4) For the purpose of this section:
  - (a) “Cluster” means adjoining.
  - (b) “Cluster pod” means a number of residential CaRD lots adjoining each other and grouped together in a single location on a parcel. The number of lots allowed in any cluster pod is limited in Table 14.78.050-1.

#### **14.78.070 Lot Size Requirements.**

- (1) Minimum. The minimum lot size is 5,000 sf.
- (2) Maximum. The maximum lot size for buildable lots is one acre, unless a larger lot is needed for one or more of the following reasons, in which case that lot may be no larger than necessary to accomplish the purpose of the exception and the exception must be recorded on the face of the plat map:
  - (a) To satisfy individual water system supply (Chapter 12.48 SCC) or on-site sewage system requirements (Chapter 12.05 SCC), or both;
  - (b) To contain both an existing residential building and existing accessory building(s); or
  - (c) To contain both an existing residential building and proposed buildings accessory to a natural resource land open space designation.
- (3) Maximum exception for open space. In addition to the exceptions discussed under Subsection (2) of this Section, one lot within each CaRD may be greater than 1 acre, for the sole purpose of containing open space. In such a parcel, only 1 acre may be used for a residential dwelling unit and residential accessory buildings, unless a larger building area is allowed based on the criteria under Subsection (7)(b) of this Section, with the remainder of the parcel placed in a open space designation.
- (4) Alternative average lot size maximum. As an alternative to Subsection (2) of this Section, lots may be as large as 1.5 acres if the average size of all lots within the CaRD (except a lot containing open space) does not exceed 1 acre.

#### **14.78.080 Setbacks**

- (1) Setbacks consistent with the underlying zoning are required from the exterior boundaries of the CaRD development, except as provided in this Section.
- (2) All buildings within the CaRD land division must observe the following setbacks:
  - (a) A minimum of 20 feet from a public road. In the Ag-NRL, IF-NRL, and SF-NRL zone, lots must be configured so that houses are no more than 200 feet from adjacent public roads.
  - (b) A minimum of 200 feet from adjacent NRL designated parcels. Where the building lots are separated from the adjacent NRL parcel by a public road, the width of the road right-of-way can be included in the 200-foot setback calculation.
  - (c) Fire separation as required by the applicable building code.
- (3) Internal setbacks may be established by private covenant.

#### **14.78.090 Open Space Requirements.**

- (1) Requirement. All land within a CaRD must be in an Open Space designation in accordance with this section except for the following:
  - (a) building lots (i.e., lots which do not contain open space) or
  - (b) the development envelope of a lot containing open space.
- (2) Designation of Open Space. Open Space must be designated as one or more of the Open Space types in SCC 14.78.100 as allowed for the underlying zone by Table 14.78.050-1. Applicable open space designations must be maintained through restriction in a note on the final plat.
- (3) Location. Open Space must be located in either:
  - (a) A single contiguous separate tract within the CaRD, retained in its entirety for open space; or
  - (b) A single dedicated open space area on one of the lots in the CaRD, which must have a designated building envelope, where a house and accessory structures may be located, that is no larger than the maximum lot size allowed by SCC 14.78.070.

- (4) Uses Allowed in Open Space. The uses specified in SCC 14.78.100 are allowed in each type of Open Space, along with structures that are accessory to the primary use of each Open Space type if allowed by the underlying zoning.
- (5) Guemes Island. On Guemes Island, open space tracts other than Os-RSV must be permanently protected by a conservation easement that prohibits future residences or residential accessory uses within the Open Space tract or area.

### **14.78.100 Open Space Types**

This section describes the types of Open Space that may be utilized in a CaRD pursuant to Table 14.78.050-1 and SCC 14.78.090.

#### **(1) Open Space–Protection Areas (Os-PA).**

- (a) The purpose of this open space is to protect critical areas (without the expense of a detailed site assessment), historic sites, and view sheds.
- (b) All land that has not received a site assessment pursuant to Chapter 14.24 SCC must be placed in this category.
- (c) If a critical area site assessment is performed in the future and the critical areas are delineated, the Os-PA area may be changed through a plat alteration to another Open Space designation based on the criteria set forth in this Section with the critical areas identified as protected critical areas (PCAs). A recorded easement is required. A revised plat map for this purpose will not be considered a plat amendment.
- (d) Nonresidential historic sites and their landscape setting must also be placed in this category. Historic sites used as residences may be located inside or outside of this open space.
- (e) All open space designated Os-PA must be preserved pursuant to SCC 14.24.080 and 14.24.090 until such time as a different open space designation is requested and Chapter 14.24 SCC is satisfied. Uses and preservation of the Os-PA occur as follows:
  - (i) Critical Areas. Follow the parameters set forth in Chapter 14.24 SCC for conservation and maintenance.
  - (ii) Historic Sites. A use covenant with covenants, conditions and restrictions (CC&Rs) must be determined through the CaRD review process and noted on the face of the plat. The duration of the covenant must be noted on the plat.

#### **(2) Open Space–Natural Resource Lands (Os-NRL).**

- (a) The purpose of this open space is to preserve the natural resource lands within the County by clustering development and leaving the remainder open for resource production.
- (b) The open space within CaRDs zoned Ag-NRL, IF-NRL, SF-NRL, or RRc-NRL must be placed in this category, unless designated Os-PA, subject to the provisions of Chapter 14.24 SCC, the Critical Areas Ordinance.
- (c) All open space designated Os-NRL must be placed in a natural resource lands easement (NRLE), that restricts the grantor and its heirs, successors, and assigns from exercising rights to use and subdivide the land for any and all residential, recreational, commercial, and industrial purposes and activities that are not incidental to the purpose of the NRLE until such time that the land no longer has long-term commercial significance for the production of food, agriculture products, timber or extraction of minerals. The property is restricted to natural resource production as defined in the NRLE and it may be used for those uses outlined in the underlying zone (except for a dwelling unit). In the case of Agriculture and Industrial Forest lands, restrictions defined in the NRLE may only be extinguished upon a finding by a court of competent jurisdiction that it is no longer possible to commercially use the property for the production of food, agriculture products, timber, or extraction of minerals.

**(3) Open Space–Urban Reserve (Os-UR).**

- (a) The purpose of this open space is to retain areas of open space until such time that urban development is deemed appropriate for that area and then to continue to require a portion of that original space to be preserved.
- (b) This open space may only be used within CaRDs on lands zoned Rural Village Residential, Rural Intermediate, or Rural Reserve, and only if these areas are located on a parcel of which 50% or greater is located within one-quarter mile of urban growth areas or Rural Villages excluding those areas subject to Os-PA or Os-NRL, and excluding Fidalgo Island until such time that a subarea plan which allows for this option has been completed in conjunction with any relevant amendments to the Comprehensive Plan for purposes of consistency. This open space designation if supported by a 20-year needs analysis may also be applied to areas located outside one-quarter mile of a UGA following the appropriate Comprehensive Plan and development regulation amendments.
- (c) The requirements for Os-UR are:
  - (i) Future Urban Development Allowed. When land with an Os-UR designation goes into an urban growth area or a Rural Village Residential, additional development is allowed on the Os-UR designated land, except within a minimum of 30% of the parent parcel which is to remain in open space through a plat restriction unless and until the parcel is annexed into a city or town. That land which is not designated as open space in a plat restriction then becomes available for urban development pursuant to the underlying urban zoning designation. Amendments to the plat map and recorded easements are required with the agreement. A revised plat map for this purpose will not be considered a plat amendment.
  - (ii) Open Space Urban Reserve Land Uses. All open space designated Os-UR may have the same uses as allowed in Os-RA. That Os-UR land converted to permanent open space by agreement of the owner and County may be used for any recreational use outlined in the underlying zoning or special uses relating to recreation, so long as a special permit is obtained, and for greenbelts or trails.

**(4) Open Space–Rural Open (Os-RO).**

- (a) The purpose of this open space is to provide areas within the rural portions of the County without having to commit to a specific recreational use. It is intended for open space purposes and/or greenbelts.
- (b) This open space may only be used in CaRDs with the following designations: Rural Village Residential, Rural Intermediate and Rural Reserve excluding Fidalgo Island until such time that a subarea plan which allows for this option has been completed in conjunction with any relevant amendments to the Comprehensive Plan for purposes of consistency.
- (c) All open space placed in this designation must remain in Os-RO unless the County has adopted a Comprehensive Plan amendment and implementing regulation resulting from the completion of a County-wide comprehensive needs analysis for future development, in which case the Os-RO open space may be redesignated to Os-UR upon application to the County. Such application requires amendments to the plat map and recorded easements. A revised plat map for this purpose will not be considered a plat amendment.
- (d) The requirements for Os-RO are:
  - (i) All open space designated Os-RO may have the same uses as allowed in Os-RA.

**(5) Open Space–Recreational/Amenities (Os-RA).**

- (a) The purpose of this open space is to provide areas for recreational purposes, either solely by owners within the CaRD land division or by the general public or a combination thereof.



- (b) The open space within CaRDs on lands zoned Rural Village Residential, Rural Intermediate, and Rural Reserve and which is intended for recreation purposes, community facilities, and/or greenbelts must be placed in this category.
- (c) The requirements for Os-RA are:
  - (i) All open space designated Os-RA may be used for hobby farms, greenbelts and trails or any recreational use outlined in the underlying zoning or special uses relating to recreation, so long as a special use permit is obtained. The applicable open space designation must be maintained through a plat restriction. An Os-RA may be redesignated to another open space designation only if all property owners within the CaRD division agree to the redesignation and if it meets the appropriate criteria for the open space designation and it meets the underlying zoning criteria. Amendments to the plat map and recorded easements must be required. A revised plat map for this purpose will not be considered a plat amendment.

**(6) Open Space–Reserve (Os-RSV).**

- (a) The purpose of this open space is to reserve land for future development of development rights that have not been utilized in the remainder of the CaRD, otherwise permitted under the zoning designation.
- (b) Open space designated Os-RSV may have the same uses as allowed in Os-RA.
- (c) The applicable open space designation, which must be maintained through a plat restriction, must continue until the open space area is further platted through a CaRD process; provided, that any resulting land division shall not exceed the allowable development rights of the original parcel.
  - (i) On Guemes Island, if the applicant wishes to retain and not utilize all of the development rights for the parcel, they must place any of the remaining development rights into the Os-RSV designation.
  - (ii) On Guemes Island, the amount of land placed into the Open Space Reserve may not exceed the number of future lots times one acre, and no portion of the Os-RSV area may contain critical areas.
- (d) Preservation of Development Rights in NRL Areas. If a parcel is within a natural resource land (NRL) and the applicant wishes not to exhaust all of the development rights for the parcel, they may place any of the remainder developmental rights into an Os-RSV designation to be divided at a later date. The number of future lots available is only those remaining development rights not used after the parent parcel has been divided. Where this occurs, the following criteria must be met:
  - (i) Ninety percent of the overall open space area of the original project must be placed in Os-NRL;
  - (ii) The amount of land placed into the Open Space Reserve must not exceed the number of future lots times 1 acre;
  - (iii) No additional open space will be required;
  - (iv) A development plan showing all areas of future development and access points for future divisions must be provided; and
  - (v) No portion of the reserved Os-RSV area may contain critical areas.

# Chapter 14.79 Binding Site Plans

## 14.79.010 Purpose.

The purposes of this chapter are to:

- (1) provide an alternative administrative method for division of land for commercial and industrial zoned property, or condominiums;
- (2) allow the Director to modify interior lot-based or lot line requirements contained within the zoning, building, fire and other similar uniform codes adopted by the County;
- (3) allow the Director to authorize sharing of open space, parking, access and other improvements among contiguous properties subject to the binding site plan; and
- (4) specify administrative requirements for binding site plans in addition to the procedural requirements of Chapter 14.06 SCC and in accordance with applicable Washington State and Skagit County laws, rules and regulations.

## 14.79.020 Applicability

This section applies to an application for a binding site plan.

## 14.79.030 General Provisions.

- (1) Any person seeking the use of a binding site plan to divide his or her property for the purpose of sale, lease or transfer of ownership of commercially or industrially zoned property, or creation of condominium units, is required to apply for, complete, and obtain approval for a binding site plan, as provided in Chapter 58.17 RCW and this Chapter.
- (2) The site that is subject to the binding site plan may be reviewed independently, based on as-built plans, for fully developed sites.
- (3) The site that is subject to the binding site plan must consist of one or more contiguous legal lots.

## 14.79.040 Application Requirements.

- (1) In addition to the general application requirements of SCC 14.06.230 and the application requirements for preliminary approval of a long subdivision in SCC 14.74.100, an application for a binding site plan must contain:
  - (a) a site plan that meets the requirements for a preliminary subdivision map in SCC 14.74.100, including:
    - (i) all proposed or existing uses and structures;
    - (ii) layout of sewers;
    - (iii) location and size of utility trunk lines serving the site;
    - (iv) the number and location of proposed or existing parking spaces on and off the site;
    - (v) (G) Proposed and existing structures including building envelopes and building setback lines;
    - (vi) (I) The location of proposed or existing open space including any required landscaped areas;
    - (vii) (K) The layout of an internal vehicular and pedestrian circulation system, including proposed ingress and egress for vehicles and roadway widths, and additional right-of-way if required on substandard roads;
    - (viii) (L) Proposed road names;

- (ix) (P) The location and size of water bodies and drainage features, both natural and man made;
- (x) (R) Existing and proposed easements and existing access.
- (b) (vi) All existing or proposed covenants, easements, maintenance agreements or other documents applicable to use or maintenance of the site.
- (c) (viii) A phasing plan, acreage of phases, and time schedule, if the site is intended to be developed in phases.

#### **14.79.050 Review Criteria**

- (1) An application for a binding site plan is subject to the type of review specified in SCC 14.06.150.
- (2) The application may be approved, approved with conditions, or denied, based on the following requirements:
  - (a) The binding site plan must ensure that the collective proposal functions as 1 site with respect to, but not limited to, lot access, interior circulation, open space, landscaping, drainage facilities, facility maintenance and parking.
  - (b) The binding site plan must meet the requirements outlined in Title 14 Division 1, and SCC 14.74.050, for new development.
  - (c) If a previously approved site plan is submitted for binding site plan approval, the conditions and limitations imposed by the Director may, where appropriate, include any conditions and limitations contained in the previously approved site plan. Subsequent project permits for the land will still be subject to compliance with the zoning, building, and other applicable land use codes and regulations existing at the time of submittal of the binding site plan review and expressly depicted on the binding site plan.
  - (d) When a binding site plan is being considered concurrently with another land development application, the Director will incorporate all conditions and limitations imposed on the concurrent application into the binding site plan. Subsequent site project permits for the land will still be subject to compliance with the zoning, building, and other applicable land use codes and regulations existing at the time of vesting of the application, unless addressed as part of the binding site plan review and expressly depicted on the binding site plan.
  - (e) The binding site plan must contain applicable inscriptions or attachments setting forth limitations and conditions to which the plan is subject, including any applicable irrevocable dedications of property and containing a provision requiring that any development of the site must be in conformity with the approved site plan.
  - (f) The Director may authorize sharing of open space, parking, access and other improvements among contiguous properties subject to the binding site plan.
  - (g) Conditions of use, maintenance and restrictions on redevelopment of shared open space, parking, access and other improvements must be identified on the binding site plan and enforced by covenants, easements or other similar mechanisms.

#### **14.79.060 Recording and Binding Effect**

- (1) After approval of a binding site plan for land, all or a portion of which will be subjected to the provisions of Chapter 64.32 or 64.34 RCW, the applicant must record the approved binding site plan with a record of survey (except for the provisions of RCW 58.09.090(1)(d)(iv)) as a single recording document complying with the requirements of this chapter labeled as "Binding Site Plan." Before recording, the applicant must complete the required improvements. In lieu of completion, all improvements except drainage-related facilities may be bonded.

- (2) When a record of survey is not required pursuant to RCW 58.09.090(1)(d)(iv), the applicable record of survey data, consistent with the submittal requirements as adopted by the Director, must be shown on the binding site plan to be recorded.
- (3) Prior to recording, the approved binding site plan must be surveyed and the final recording forms must be prepared by a professional land surveyor, licensed in the State of Washington. Surveys must include those items prescribed by RCW 58.09.060.
- (4) The approved binding site plan record of survey recording forms must include the following, in the format prescribed by the Director:
  - (a) Lots designated by number on the binding site plan within the area of the lot. Tracts must be similarly designated and each tract must be clearly identified with the ownership and purpose;
  - (b) Signature and stamp of the land surveyor who prepared the binding site plan;
  - (c) Reference to the recording number of the completed survey as required by this Section if the boundaries have been previously surveyed;
  - (d) Reference to all agreements or covenants required as a condition of approval;
  - (e) Notarized signatures of all persons having an ownership or security interest in the land being divided;
  - (f) Approval of the Skagit County Engineer;
  - (g) Approval of the Skagit County Treasurer;
  - (h) Approval of the Director; and
  - (i) Approval of the Health Official.
- (5) The Director must examine and sign the approved binding site plan and record of survey if it conforms to the commercial site project permit or the approved site plan and all conditions of approval. Binding site plans with the record of survey must be recorded with the Skagit County Auditor's Office. A copy of the documents stamped with the recording number must be sent to the Skagit County Assessor, the Skagit County Treasurer, Skagit County Public Works, and to the applicant.
- (6) Lots, parcels, or tracts created through the binding site plan procedure will be legal lots of record. All provisions, conditions, and requirements of the binding site plan are legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.
- (7) Any sale, transfer, or lease of any lot, tract, or parcel created pursuant to the binding site plan, that does not conform to the requirements of the binding site plan or without binding site plan approval, will be considered a violation of Chapter 58.17 RCW and may be restrained by injunctive action and be illegal as provided in Chapter 58.17 RCW.

#### **14.79.070 Site Improvements Required Prior to Approval of Building Permit.**

- (1) All public and private site improvements required by the approved binding site plan must be completed and accepted by the County or subjected to a performance security approved by the Director prior to issuing the first building permit for the site.
- (2) Alternatively, the Director may condition the completion of such improvements pursuant to an approved phasing plan.



# Skagit County Planning Commission

[www.skagitcounty.net/planningcommission](http://www.skagitcounty.net/planningcommission)

**Chair** Tim Raschko      **Vice Chair** Tammy Candler  
**Members** Angela Day, Vincent Henley, Amy Hughes, Jed Holmes, Kiera Wright, Joe Woodmansee, Patsy Good

## EXHIBIT B

Tuesday, May 20, 2025

### Skagit County Planning Commission's Recorded Motion regarding 2025 Development Regulations Update

Proposal publication date: April 21, 2025

Proposal name: 2025 Development Regulations Update

Documents available at: [www.skagitcounty.net/2025CPA](http://www.skagitcounty.net/2025CPA)

Public hearing body: Skagit County Planning Commission

Public hearing date: Tuesday, May 6, 2025, at 6:00 p.m.

Written comment deadline: Thursday, May 8, 2025 at 4:30 p.m.

PC deliberations (closed  
record public hearing): Tuesday, May 20, 2025, at 6:00 p.m.

After considering the written and spoken comments and considering the record before it, the Planning Commission enters the following findings of fact, reasons for recommendation, and recommendations to the Board of County Commissioners on the update to the 2025 Development Regulations.

#### Findings of Fact and Reasons for Recommendation

1. **Periodic Comprehensive Plan Updates.** The Washington State Growth Management Act (GMA) requires cities and counties to update Comprehensive Plans and implement development regulations every 10 years (RCW 36.70A.130).
2. **Continuing Review of Comprehensive Plans and Development Regulations.** RCW 36.70A.130 mandates that Skagit County's Comprehensive Plan and corresponding development regulations be subject to continuing review and evaluation. Any amendments or revisions to development regulations must be consistent with and implement the Comprehensive Plan.
3. **Affordable Housing.** Consistent with the proposed updates to the Housing Element of the 2025 Comprehensive Plan, the revised development regulations aim to expand affordable housing opportunities in Skagit County by: increasing allowances for Accessory Dwelling Units (ADUs) in Urban Growth Areas; permitting middle housing

types in the Rural Village Residential zone; authorizing emergency housing, shelters, and transitional housing in designated zones; and establishing procedures for Unit Lot Subdivisions.

4. **Code Reorganization.** RCW Chapter 36.70B, which governs local project review procedures, was recently updated by state legislation, including 2SSB 5290 (2023), with the goal of consolidating, streamlining, and enhancing local permit review processes to achieve better outcomes for applicants, customers, planners, builders, and designers. In response, the proposed reorganization of the development regulations focuses on streamlining residential permitting and improving the code's readability, usability, and administrative efficiency through a clearer and more logical chapter structure.
5. **Consistency with Comprehensive Plan Policies.** Proposed updates to the Development Regulations were reviewed by staff for consistency with the updates to the 2025 Periodic Comprehensive Plan.
6. **Public Comment and Public Hearings.** The draft Development Regulations was released to the public for comment from April 21, 2025, to May 8, 2025. A public hearing was held by the Planning Commission to receive public testimony on May 6, 2025. All comments received and information shared to the Planning Commission are found on the project website. Public comments and testimony were recorded, and the Department provided a written response to the comments received.

### Recommendation

1. The Planning Commission recommends incorporating Staff Recommendations 18-20 in Attachment C.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair			X	
Tammy Candler, Vice Chair	X			
Jed Holmes	X			
Vince Henley			X	
Amy Hughes	X			
Angela Day	X			
Joe Woodmansee	X			
Kiera Wright	X			
Patsy Good	X			
<b>Total</b>	7		2	

2. The Planning Commission recommends incorporating Staff Recommendation 21 in Attachment C.

<b>Commission Vote</b>	<b>Support</b>	<b>Oppose</b>	<b>Absent</b>	<b>Abstain</b>
Tim Raschko, Chair			X	
Tammy Candler, Vice Chair	X			
Jed Holmes	X			
Vince Henley			X	
Amy Hughes	X			
Angela Day	X			
Joe Woodmansee				X
Kiera Wright	X			
Patsy Good	X			
<b>Total</b>	<b>6</b>		<b>2</b>	<b>1</b>

The Planning Commission recommends that the Board of County Commissioners approve the development regulations 18-21 as noted in the recorded motion, as amended.

<b>Commission Vote</b>	<b>Support</b>	<b>Oppose</b>	<b>Absent</b>	<b>Abstain</b>
Tim Raschko, Chair			X	
Tammy Candler, Vice Chair	X			
Jed Holmes	X			
Vince Henley			X	
Amy Hughes	X			
Angela Day	X			
Joe Woodmansee	X			
Kiera Wright	X			
Patsy Good	X			
<b>Total</b>	<b>7</b>		<b>2</b>	<b>0</b>

The Planning Commission recommends that the Board of County Commissioners adopt the 2025 Development Regulation updates as recommended.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair			X	
Tammy Candler, Vice Chair	X			
Jed Holmes	X			
Vince Henley			X	
Amy Hughes	X			
Angela Day			X	
Joe Woodmansee	X			
Kiera Wright	X			
Patsy Good	X			
<b>Total</b>	<b>6</b>		<b>3</b>	<b>0</b>

This recorded motion **is approved** on this 20<sup>th</sup> day of May 2025.

SKAGIT COUNTY PLANNING COMMISSION  
SKAGIT COUNTY, WASHINGTON

  
\_\_\_\_\_  
Tammy Candler, Vice Chair

5/20/25  
Date

  
\_\_\_\_\_  
Jack Moore, Secretary

5-20-25  
Date