

# Skagit County Setback Revisions



Western Washington University  
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# Skagit County Code Revisions: Summary

- **Researched other counties' setback codes and requirements to generate revised setback requirements for Skagit County Code (SCC)**
  - Compared language, format, and measurement requirements to SCC
  - Analyzed for clarity, appeal, comprehension
  - Identified the use of graphics, tables, brochures, and other tools

# Skagit County Code Revisions: Purpose

- **Revise Skagit County Code (SCC) setback requirements to:**
  - Minimize complexity of SCC setback definitions, layout, comprehensiveness, references
  - Reduce setback variances requests as a result of complicated SCC
  - Ensure requirements meet goals of Skagit County's Comprehensive Plan
  - Revise setbacks to identify minimum standards for a set of zones and roadway types

# Skagit County Code Revisions: Background

- Met with Skagit County planning staff
  - January: initial project orientation
  - February: planners from Skagit County came to WWU to see interim findings & give feedback
- Feedback from planners used to further develop revisions for the setback requirements

# Proposal I: Setbacks by Road Type

# Setbacks Organized by Road Types: Comparisons

- Compared Skagit to 6 other counties
  - Whatcom: aesthetic appeal
  - Organized by road type
- Most counties had lower setback numbers than Skagit
- Whatcom County had 7 total variance requests in 2016.

Residential Rural (RR)						Whatcom County Code	
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
45'	35'	25'	25'	25'	20'	5' <sup>1</sup>	5'
Water Resource Protection Overlay							
30'	30'	20'	20'	20'	20'	5'	5'
1. Setbacks shall be increased to 100 feet for those parcels situated adjacent to the Forestry Zone District, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC <a href="#">20.32.651</a> shall be subject to the standard setback in WCC <a href="#">20.80.210</a> . 2. A 10-foot setback from the international border between Canada and the United States shall be maintained as an open space vista. The 10-foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10-foot setback area after approval from the International Boundary Commission.							

Zone	Skagit	Whatcom	Kitsap	Island	Jefferson	Snohomish	Clark
<b>Rural Intermediate</b>	25-35'	20-45'	50'	20'	40'	20'	25'
<b>Rural Reserve</b>	25-35'	20-45'	20'	20'	10-25'	20'	10'
<b>Rural Village Residential</b>	25-35'	20-45'	20'	50'	50'	20'	10'
<b>Agricultural</b>	35'	20-50'	50'	Density Dependent	20'	20'	50'
<b>Secondary Forest</b>	100'	20-45'	50'	Density Dependent	74'	100'	50'

# Setbacks Organized by Road Types: Proposed Changes

- Revise Dimensional Standards Table to organize setbacks by road type
- Decrease the minimum setback from 25ft to 20ft in the zones of:
  - Rural Intermediate (RI)
  - Rural Village Residential (RVR)
  - Rural Reserve (RRv)
  - Where access points of parcel is off a local access road
- Decrease the minimum setbacks in the Secondary Forest- NRLs from 100ft to 50ft
- To avoid using "see code" in table, state the 200-foot maximum setback requirement for the Ag-NRL in section 14.16.400
  - Replace the word "same" with setback numbers

# Setbacks Organized by Road Type: Justifications

- Organize by road type to simplify the table, making it more user-friendly
- Change Skagit County front setback from 25ft to 20ft on parcels off local access roads
  - Matches other counties
- Standardize Skagit County's setback requirements for the Secondary Forest-NRLs to match the 50-foot minimum setbacks of the Rural Resource-NRLs
- Remove the "see code" from Ag-NRL and use the minimum setback
  - Simplifies the table
- State the setback requirements instead of using the word "same"
  - Less confusing for the public



# Setbacks Organized by Road Type: Table

- Road Types obtained from Skagit's Comprehensive Plan (Section 8: Transportation)
- Includes proposed setback revisions

Zone	Name	Code Cite	Road Type				Other		
			Principal Arterials (I-5 and SR 20)	Minor Arterials (State Hwys)	Major Collectors	Minor Collectors	Local Access	Side	Rear
RI	Rural Intermediate	14.16.300	35'	35'	35'	25'	20'	8'	25'
	Accessory Structures		35'	35'	35'	25'	20'	3-8'	3-25'
RVR	Rural Village	14.16.310	35'	35'	35'	25'	20'	8-20'	25'
	Accessory Structures		35'	35'	35'	25'	20'	3-8'	3-25'
RRv	Rural Reserve	14.16.320	35'	35'	35'	25'	20'	8'	25'
	Accessory Structure		35'	35'	35'	25'	20'	3-20'	3-25'
Ag-NRL	Agricultural	14.16.400	35'	35'	35'	35'	35'	8'	35'
	Accessory Structures		35'	35'	35'	35'	35'	8'	35'
SF-NRL	Secondary Forest	14.16.420	50'	50'	50'	50'	50'	100'	100'
	Accessory Structures		50'	50'	50'	50'	50'	100'	100'

# Proposal II: Setback Requirements Revisions

# Setback Requirements Revision: Outline

- Purpose
- Definition
- Use of Setback Area
- Measurements
- Special Setback Requirements
- Reduction of Setbacks
- Overlays

# Setback Requirements Revision: Purpose

- Purpose subsection would:
  - Create uniformity within Skagit County Code (almost all other sections have Purpose statements)
  - Eliminate need to outline purpose on DSW
  - Outline the rest of the Setback Requirements Code (14.16.810)

Setbacks help ensure that streets and yards are provided more open space, building are appropriately separated from neighbors, and uses receive adequate light and air. Setback requirements are essential for the health, safety, and protection of our county's natural and built environment. This section regulates the uses, dimensional standards, and special provisions for setbacks requirements.

# Setback Requirements Revision: Definition

- Keep it short
- Include “minimum required distance”
- Other counties suffice with one or two examples of a defining line

- King County - 21A.06.1070. “The *minimum required distance* between a structure and a specified line such as a lot, easement or buffer line that is required to remain free of structures. (Ord. 10870 § 254, 1993)”
- Whatcom County - 20.97.362. “Setback line” means that line that is the *required minimum distance* from the street or road right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed. (Ord. 99-059, 1999).
- Island County - 17.03.040. “Setback means the *required minimum horizontal distance* between every structure and the lot lines and/or centerline of any abutting road”
- Skagit County - 14.04.020. “A line generally parallel with and measured from the lot line, existing or planned street or road right-of-way, easement or driven surface (whichever is most restrictive) defining the limits of an area in which no above-ground buildings, structures, or junk may be located.”

## Proposed Definition:

The minimum required distance from a lot line, road right-of-way, or easement that shall remain free of structures (14.04).

# Setback Requirements Revision: Applicability

- Organizes all separate uses within one subsection
- Negate need to include additional parameters from Setback Definition

## (3) Applicability

- a. All structures must meet minimum horizontal setback requirements of the applicable zone or road type (see 14.16.810(4)).
- b. Use of Setback Area
  - i. Porches. Uncovered and unenclosed ground story porches and decks less than 30 inches above grade may project into a required setback up to 1 foot from the property line
  - ii. Architectural Features. Cornices, canopies, eaves, sills, fireplaces, flues, ornamental features, roof overhangs, and other similar features may extend or project into a required setback a distance of not more than 30% of the required yard, and in no case shall they be closer than 2 feet to any lot line (Must use either lot or property line). Minor architectural features may not be used to extend building floor area into the required setback.
  - iii. Setbacks must remain free of junk
  - iv. Setbacks do not apply to fences six feet or less in height, fences eight feet or less in height in the commercial–industrial or aviation-related zones, retaining walls four feet or less in height, landscaping, freestanding signs, or paved areas, unless otherwise provided.

# Setback Requirements Revision: Measurements

- Revised definition for setback front, rear, and side
- Revised Vision Clearance
- Graphics
  - Vision Clearance
  - Lot Type Examples

## (5) Measurements

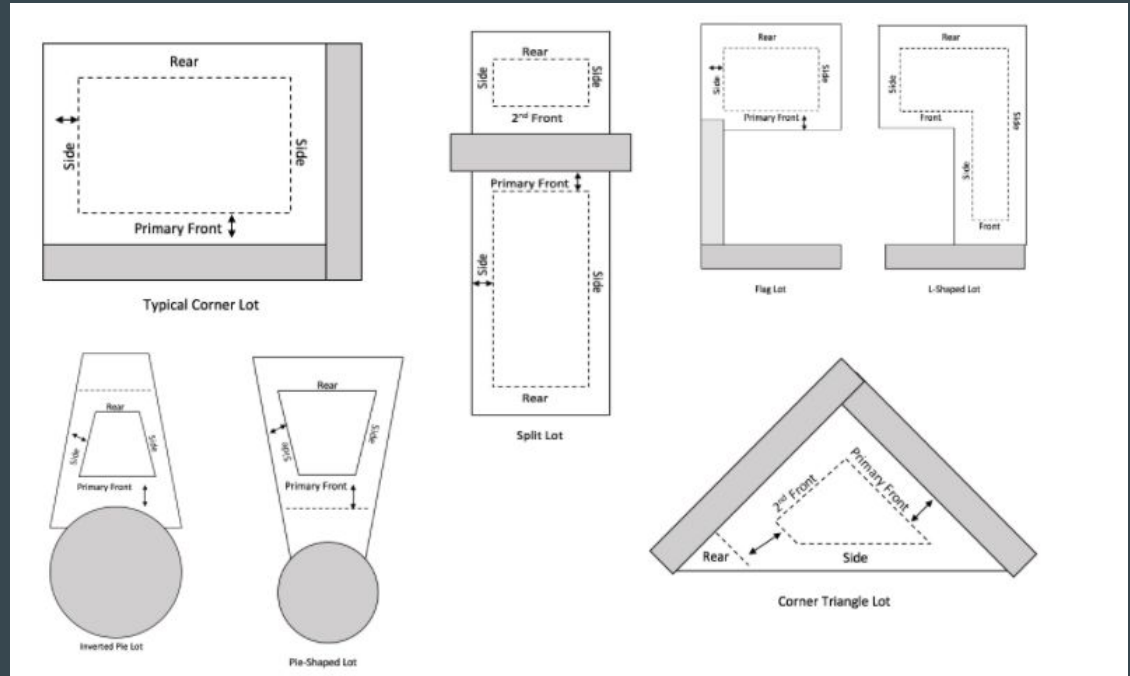
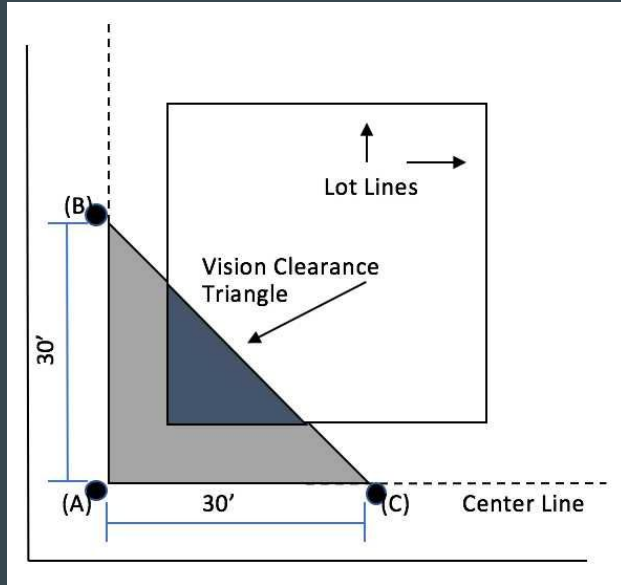
- a. Front setback: The front setback runs parallel to the front lot line at the required depth for each zone or abutting road type. The primary front lot line is where your lot faces a right-of-way or where you access your lot via a driveway. Lots may have more than one front lot line, as on corner and through lots, which are referred to as secondary front lines.
- b. Rear setback: The rear setback runs parallel to the rear lot line at the required depth for each zone. The rear lot line is opposite your primary front line.
  - i. If your lot is triangular, and your front lot line is opposite a corner, draw your rear lot line as a line 20 feet long parallel to and opposite the primary front line
- c. Side setback: a side setback is measured from any remaining lot lines at the required depth for each zone.
- d. Vision Clearance: On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow between the height of 2.5 feet and 10 feet above the centerline grade of the intersecting roadways within the vision clearance triangle. The vision clearance triangle is formed by measuring 30 feet along the centerlines of the road right-of-way from their point of intersection (point A). The triangle is completed by connecting the two end points (B-C).

\*visual of vision clearance\*

- e. Lot type examples

\*visuals of lot type examples\*

# Setback Requirements Revision: Measurement Visuals

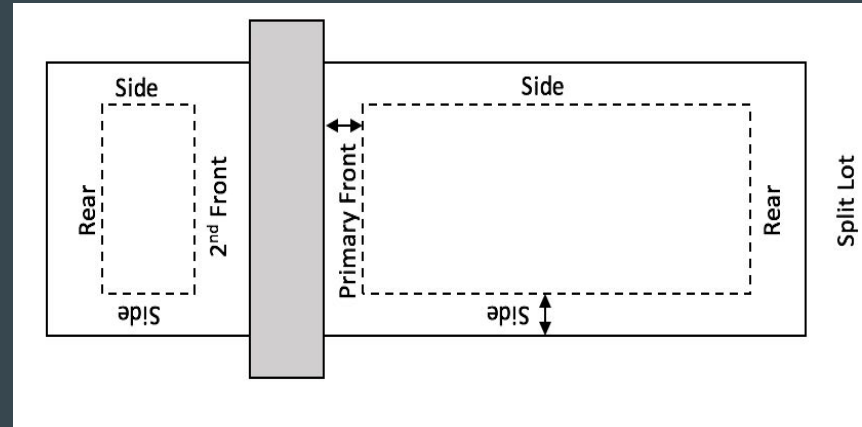


Lot type examples taken from the Skagit County Dimensional Standards Worksheet (DSW). Example for split lots added.



# Setback Requirements Revision: Special Setback Requirements - Split lots

- Purpose:
  - Allow property owners to build accessory structures on smaller division of property
  - Reduce the need for variances
- Front Setback: Average of existing neighboring structures
- Side and rear: 3 feet



# Setback Requirements Revision: Variances and Easements

- Propose moving Easements to their own section within SCC
  - Keeps Setback Requirements clean, concise, and pertinent
  - Simplify Easement language, similar to DSW

(5) Side and Rear Yard Easements. In lieu of normal side or rear yard setback standards required in each zoning district, and as an alternative to obtaining a setback variance, a landowner may seek an easement from the affected adjoining property owner(s). The provisions of this Subsection provide greater flexibility to the property owner for the placement of a residence and/or accessory buildings, agricultural, commercial or industrial structures. Minimum building separation must be maintained, e.g., 16 feet in a residential zoning classification and as otherwise required by the IBC. In order to construct a structure within the normal side or rear yard setback area, an easement document must be obtained from the adjacent property owner. The easement must be recorded with the Skagit County Auditor's Office and filed with the building permit application. The easement document must contain:

- (a) The legal description of the grantor's property.
- (b) The legal description of the grantee's property.
- (c) The legal description of the easement.
- (d) What rights are being granted or restricted by the easement. At a minimum the property granting the easement must be restricted from building within twice the normal side yard setback requirements from the property line or the amount of feet necessary to maintain minimum building separation. The owner of the property receiving the easement must be granted the right of access to maintain the structure if needed. Additional rights or restrictions are up to the individual parties.
- (e) Identification of all the owners of the properties involved.

# Setback Requirements Revision: Overlays

- Create distinct subsection within Setback Requirements for Overlays
  - Currently contains Ag-NRLs, but not Guemes Island or Airport Environs
  - Negates need to include Overlays within a DSW
  - Strengthens cross-referencing within the SCC itself, with navigational hyperlinks

## Example 1 – SCC - Guemes Island

- Front Setbacks mandated by the general Setback Requirements (SCC 14.16.810)
- Rear and Side Setbacks governed by the Guemes Island Overlay (SCC 14.16.360)
- Neither code references the other

## Example 2 – DSW – Airport Environs:

- Noted as a consideration within the DSW
- Airport Environs are not referenced *at all* within the Setback Requirements (SCC 14.16.810)
- Should be hyperlinked within SCCC

# Proposal III: Dimensional Standards Worksheet Revision

# Dimensional Standards Worksheet (DSW): Revisions

- DSW is too long and cumbersome
- Proposed code revision eliminates the need for much of the DSW
- Revised DSW: Multiple 1-2 page handouts by development type
  - User-friendly
  - Straight-forward

# Proposed Dimensional Standards Worksheet: Outline

- Purpose of setbacks
- How to find your setback
  - Locate your parcel
  - Identify road class
  - Determine your setbacks
- Other considerations
  - ex. accessory structures and variances
- Lot type examples
- Setback requirements table for type of development

# Conclusion

## Deliverables:

- Dimensional Standards Table by road type
- Revised Setback Requirements code and definition
- Dimensional Standards Worksheet by development type

# References

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