

## 2026 Misc Code Amendments—DRAFT

Plain text = existing code with no changes

~~Strikethrough~~ = existing code to be deleted

Underlined = new code to be added

~~Double Strikethrough~~ = existing code moved to another location

Double Underline = existing code moved from another location

*Italics* = Instructions for code reviser/reviewer

**Markup DRAFT, February 3, 2026**

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<https://www.codepublishing.com/WA/SkagitCounty/#!/SkagitCounty14/SkagitCounty14.html>

## Table of Contents

<u>Chapter 14.04 Definitions</u> .....	3
<u>Chapter 14.06 Permit Procedures</u> .....	5
<u>Chapter 14.08 Legislative Procedures</u> .....	11
<u>Chapter 14.09 Enforcement Procedures</u> .....	11
<b>Division 1 Zoning and Land Uses .....</b>	<b>13</b>
<u>Chapter 14.10 General Provisions</u> .....	13
<u>Chapter 14.11 Rural Mixed-Use Zones and Uses</u> .....	14
<u>Chapter 14.12 Rural Commercial/Industrial Zones and Uses</u> .....	17
<u>Chapter 14.13 Natural Resource Zones and Uses</u> .....	19
<u>Chapter 14.15 Bayview Ridge UGA Zones and Uses</u> .....	22
<u>Chapter 14.16 Municipal UGA Zones and Uses</u> .....	25
<u>Chapter 14.18 Use Standards</u> .....	28
<b>Division 2 Project Design Standards .....</b>	<b>31</b>
<u>Chapter 14.24 Critical Areas Ordinance</u> .....	31
<u>Chapter 14.25 Landscaping</u> .....	37
<u>Chapter 14.28 Setbacks</u> .....	38
<b>Division 3 Land Management.....</b>	<b>43</b>
<u>Chapter 14.30 Land Disturbance</u> .....	43
<u>Chapter 14.32 Stormwater Management</u> .....	47
<u>Chapter 14.34 Flood Damage Prevention</u> .....	52
<b>Division 5 Special Permits .....</b>	<b>59</b>
<u>Chapter 14.52 Special Use Permits for Mining</u> .....	59
<u>Chapter 14.54 Essential Public Facilities</u> .....	60
<u>Chapter 14.56 Master Planned Resorts</u> .....	61
<u>Chapter 14.58 Variances</u> .....	61
<b>Division 6 Public Facilities .....</b>	<b>64</b>
<u>Chapter 14.68 Impact Fees</u> .....	64
<b>Division 7 Land Divisions and Boundaries.....</b>	<b>65</b>
<u>Chapter 14.70 Legal Lots and Eligibility for Development</u> .....	65
<u>Chapter 14.72 Boundary Line Adjustments</u> .....	66
<u>Chapter 14.74 Land Divisions</u> .....	67
<u>Chapter 14.78 Standards for CaRD Land Divisions</u> .....	68

## Chapter 14.04 – Definitions

### 14.04.010 Applicability.

The definitions of terms and symbols in this chapter apply throughout SCC Title 14 unless except where the context plainly indicates otherwise. [Definitions related to specific uses can be found in SCC 14.18 – Use Standards.](#)

- i** The low-density residential threshold is being amended from no more than one home per five acres to no more than one home per acre within the moderate impact land use. This amendment is being proposed for consistency with [Table 8C-3 in the Department of Ecology Publication No. 05-06-008](#) which is referenced in the Land use impact definitions below.

### 14.04.020 Definitions.

“Land use impact” means 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-one 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.

- i** Definition of marina updated to match the definition in the Shoreline Master Program. Many of the components in the current definition such as “primitive marinas”, “full service marinas”, “backshore marinas”, and “foreshore marinas” are not used anywhere in code and are unnecessary. The update will not only align the definition with the Shoreline Management Program but will also simplify it.

[“Marina” means a public or private facility that provides vessel storage \(wet or dry\), launch areas, supplies, and services for recreational or commercial vessels. Moorage facilities for recreational subdivisions that provide no other services besides moorage are considered community docks.](#)

**i** Amendment to definition of “Party of Record” clarifies that someone submitting written comment on a project permit application must submit comments during the official public comment period or at an open record public hearing in order to be a Party of Record. The proposed definition also includes property owners and applicants.

“Party of Record” means any person who:

1. Participates in a hearing by providing verbal testimony or submitting a written statement regarding a project permit application or legislative action during an open record hearing, and provides the County with a complete mailing address; or
2. Submits a written comment regarding the project or legislative action, and includes a complete mailing address, within the official public comment period; or
3. Is the property owner (when not also the applicant) of a project permit application.

~~“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.~~

**i** The definitions of repair and replacement are moved from the Flood Damage Prevention chapter in SCC 14.34.005 as the definitions are applicable outside of the Flood Damage Prevention chapter in addition to the Flood Damage Prevention chapter. Prior to the code reorganization that was approved last year, both definitions were in SCC 14.04. For instance, the definitions have been consistently used in conjunction with SCC 14.24.070 to help clarify when a project may be allowed without standard critical areas review.

“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 percent of the assembly, the assembly is considered to be replaced.

“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 percent of the preconstruction value or extent of the building, structure or assembly, the building, structure or assembly is deemed to be completely replaced.

“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.

## Chapter 14.06 – Permit Procedures

**i** Amendment corrects cross reference.

### 14.06.140 Lot certification.

(1) *No Changes*

(2) *No Changes*

(3) *No Changes*

(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 SCC Chapter [14.70](#)~~14.40~~.

### 14.06.150 Types of review.

(1) – (3) *No Changes*

**i** Amendment to Table 14.06.150-1 Types of Review with the following amendments:

- Remove Board of County Commissioner variance as a legal permit pathway. See amendments to SCC 14.58 below for more information.
- Adjust Hearing Examiner critical areas variance to be consistent with SCC 14.24 following adoption of the Critical Areas Ordinance update.
- Remove Administrative Critical Areas Variance and replace with Reasonable Use Exception to be consistent with SCC 14.24 following adoption of Critical Areas Ordinance update.
- Remove waiver of 6-year forest practices moratorium as a type of review as this process no longer exists. The County now requires a Forest Practice Conversion after-the-fact which is done by submitting a Land Disturbance Activity application with a State Environmental Policy Act (SEPA) Environmental Checklist.

Table 14.06.150-1: Types of Review

	Type 1 Director decision without notice	Type 2 Director decision with notice	Type 3 Hearing Examiner decision	Type 4 Board of County Commissioner decision
<b>(1) Applications Subject to this Type of Review</b>	<ul style="list-style-type: none"><li>• Accessory dwelling</li><li>• Administrative decision</li><li>• Administrative order (SCC 14.09)</li></ul>	<ul style="list-style-type: none"><li>• Administrative Special Use Permit (SCC 14.51)</li><li>• Administrative variance (SCC 14.58)</li><li>• <a href="#">Reasonable Use Exception (SCC</a></li></ul>	<ul style="list-style-type: none"><li>• Critical areas variance <a href="#">to reduce a standard buffer width (SCC 14.24)</a><del>of &gt;50% of standard buffer width</del></li></ul>	<ul style="list-style-type: none"><li>• <del>BOCC variance (SCC 14.58)</del></li><li>• Development agreement (SCC 14.53)</li><li>• Regional essential public facility (SCC 14.54)</li></ul>

	Type 1 Director decision without notice	Type 2 Director decision with notice	Type 3 Hearing Examiner decision	Type 4 Board of County Commissioner decision
	<ul style="list-style-type: none"> <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 (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 (SCC 14.06.510)</li> <li>Shoreline exemption</li> <li>Stormwater adjustment per SCC 14.32.090(1)</li> <li>Suspension or revocation of</li> </ul>	<p><u><a href="#">14.24) Critical areas variance of &gt;25% and ≤ 50% of standard buffer width</a></u></p> <ul style="list-style-type: none"> <li>Director interpretation (SCC 14.06.130)</li> <li>SEPA threshold determination</li> <li>Stormwater exception per SCC 14.32.090(2)</li> <li><u><a href="#">Waiver of 6-year forest practices moratorium (SCC 14.24.110)</a></u></li> </ul>	<ul style="list-style-type: none"> <li>Local essential public facility (SCC 14.54)</li> <li>Hearing Examiner Special Use Permit (SCC 14.51)</li> <li>Mining operation special use permit (SCC 14.52)</li> <li>Hearing Examiner variance (SCC 14.58)</li> <li>Revocation of an SUP (SCC 14.51.070)</li> <li>Shoreline permit (SCC 14.48)</li> </ul>	<ul style="list-style-type: none"> <li>Site-specific rezone authorized by the comprehensive plan</li> </ul>

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

**i** Amendment to 14.06.160 clarifies that SEPA can be done prior to building permit application submittal, consistent with WAC 197-11-055. This allows for environmental review to be completed while projects are still at the conceptual stage and before investment is made into building plans and civil drawings.

#### 14.06.160 Consolidation of Review

(1) *No Changes*

(2) *No Changes*

(3) Integration of State Environmental Policy Act ("SEPA") Review.

(a) SEPA review of ~~a project permit application~~Type II, III, and IV project permit applications must be combined with review of the underlying application unless the project is categorically exempt from SEPA. If studies that adequately analyzed a project's specific probable adverse impacts have already been performed under another SEPA review process, then additional or redundant studies may not be required under SEPA.

~~(eb) Per WAC 197-11-055(4), if an agency's only action is a decision on a building permit that requires detailed project plans and specifications, SEPA review may be performed on a project prior to submittal of a project permit application, but may need to be performed again as part of review of the project permit application dependent on the level of detail evaluated in the initial review.~~ ~~(b) A project permit application subject to review under SEPA must be reviewed in accordance with the policies and procedures contained in SCC Chapter 16.12, State Environmental Policy Act, and WAC Chapter 197-11.~~

~~(c) Per WAC 197-11-055(4), SEPA review may be performed on a project prior to submittal of a project permit application, but may need to be performed again as part of review of the project permit application dependent on the level of detail evaluated in the initial review.~~  
~~(c) A project permit application subject to review under SEPA must be reviewed in accordance with the policies and procedures contained in SCC Chapter 16.12, State Environmental Policy Act, and WAC Chapter 197-11.~~

(d) A SEPA threshold determination or a scoping notice may be issued with a notice of development application. A final threshold determination of nonsignificance may not be issued until after the expiration of the public comment period on the notice of application unless the requirements of the optional DNS process (WAC 197-11-355 and SCC 16.12.070) are followed. A final determination of significance and a SEPA scoping notice may be issued with the notice of development application and prior to the expiration of the public comment period on the notice of development application. Per RCW 36.70B.110(6)(b), for Type 3 and 4 reviews, the threshold determination must be issued at least 15 days prior to the open-record predecision hearing.

(e) Any appeal of a determination of significance as described in SCC 16.12.210 may proceed in advance of any hearings or appeals of the underlying project permit. Any appeals of a determination of nonsignificance must be combined with and processed at the same time as the hearings or appeals of the underlying project permit.

**i** This amendment reorganizes SCC 14.06.260 into separate sections addressing expiration, extension, and suspension. The language added for Applicant-Elected Suspension in subsection (4) already exists in SCC 14.06.170(4) (Timing of Review). Because the language in SCC 14.06.170 is difficult to locate and is not ideally placed, this amendment adds the language in a more appropriate section and provides a heading that clearly reflects its content. The language in SCC 14.06.170 is proposed to remain the same as it can affect the timing of application review.

**14.06.260 Application expiration, extension, and suspension.**

(1) Applicability. This Section applies to any application submitted for review under this Chapter.

(2) Application Expiration.

- (a) Unless review is suspended under SCC 14.06.170(5), if the Department requests more information from the applicant about the application, the applicant has 120 days to respond with the requested information.
- (b) If the applicant does not respond within the required period, the Director may expire the application for failure to timely submit requested information by providing the applicant with written notice of expiration.
- (c) If the Director expires an application, the applicant must submit a new application, including any applicable fees, to restart the review process.

**(e3) Application Extension.**

- (a) The Director may grant one or more three-month extensions (not to exceed three extensions) if:
  - (i) A written request for extension is submitted prior to expiration of the application;
  - (ii) Based on information in the request, the Director concludes that the applicant is making reasonable progress toward submitting the required information.

**(4) Applicant Elected Suspension.**

- (a) An applicant may inform the Department in writing that they would like to temporarily suspend review of the project permit application for up to 12 months, until the time that the applicant notifies the Department in writing that they would like to resume the application.

**i** This amendment relocates the provisions on Requests for Additional Information or Corrections to under a separate section, rather than including them in the SCC 14.06.310 – Review for Completeness section. The intent of this amendment is to prevent confusion between the two processes. A review for completeness is intended to ensure that an application includes all required materials, while a request for additional information may occur later in the review process if further details or project modifications are needed.

**14.06.310 Review for completeness.**

- (1) *No Changes*
- (2) *No Changes*
- (3) *No Changes*

**(4) Requests for Additional Information or Corrections.**

- (a) If the Department twice requests additional information or corrections during application review, the Department must offer the applicant a meeting with Department staff to resolve outstanding issues. The meeting must be scheduled within 14 days of the second request for corrections.

~~(b) If the meeting cannot resolve the issues and the Department requests additional information or corrections a third time, upon receiving the additional information or corrections the Department may not further request additional information and must forward the application, along with its recommendation, to the decisionmaker for decision on the application.~~

~~(c) Nothing in this Section affects the timelines for application expiration in SCC 14.06.260.~~

#### **14.06.315 Requests for additional information or corrections.**

~~(1a) If the Department twice requests additional information or corrections during application review, the Department must offer the applicant a meeting with Department staff to resolve outstanding issues. The meeting must be scheduled within 14 days of the second request for corrections.~~

~~(2b) If the meeting cannot resolve the issues and the Department requests additional information or corrections a third time, upon receiving the additional information or corrections the Department may not further request additional information and must forward the application, along with its recommendation, to the decisionmaker for decision on the application.~~

~~(3e) Nothing in this Section affects the timelines for application expiration in SCC 14.06.260.~~

**i** Amendment to 14.06.320 clarifies that posting is required 14 days following Determination of Completeness rather than 28 days after initial application. As currently written, the 28 days could be interpreted to only apply when applicants post the property. This is consistent with the rest of SCC 14.06.320. The amendment also eliminates the notice board requirement for notices of decision as all parties of record receive notification of the notice of decision.

#### **SCC 14.06.320 Public Notices.**

**(1) No Changes**

**(2) No Changes**

**(3) Notice Boards.** The Department must also ensure that public notices required by SCC 14.06.150 are displayed on notice boards consistent with this Subsection.

**(a) Timing.** ~~Within 14 days of determination that the application is complete, a notice board must be posted on the subject property. When requested by the Department, Within 28 days of initial application,~~ the applicant is responsible for posting notice boards on the subject property. Unless posted by the Department, the applicant must submit a signed affidavit that states the date of installation and location of the notice board, and includes a photograph of the notice board that provides context of its location.

**(b) No Changes**

**(c) Content.** The notice board must include:

- (i) The application number(s);
- (ii) A phone number and website address where more information can be obtained;

(iii) Each of the public notices identified in subsection (1) of this Section, except for the Notice of Decision, which must be timely posted to the board.

(d) – (f) *No Changes*

(4) *No Changes*

**i** SCC 14.06.170(3)(b) includes language for applicant elected suspensions, but it is located in the Timing of Review section making it difficult to find and could lead to confusion. This amendment adds the voluntary suspension language to SCC 14.06.540 – Permit suspension or revocation.

## Chapter 14.08 – Legislative Procedures

### 14.08.030 Petitions—Filing requirements.

**i** Correction of an outdated cross reference to Master Planned Resort code.

(1) – (3) *No Changes*

(4) Contents of Petition.

(a) – (c) *No Changes*

(d) A petition for amendment of the Comprehensive Plan map to a Master Planned Resort designation must also include all of the elements required by SCC Chapter 14.56~~20.050~~.

(e) *No Changes*

## Chapter 14.09 Enforcement Procedures

**i** This amendment allows Skagit County to complete a special assessment upon completion of an abatement and gives the lien the priority available as allowed by RCW 36.32.120(11). The assessment shall constitute a lien against the property. The amendment enables the County to recover abatement costs by attaching them directly to the property, rather than relying on fines and fees.

### 14.09.340 Abatement.

(1) In addition to or as an alternative to any other judicial or administrative remedy, the Director may order any person who creates or maintains a violation of SCC Title 14 or 15 to correct the violation.

(2) For violations of SCC Chapter 16.32, Water Pollution, the Director may also:

(a) Require implementation of BMPs described in the Stormwater Management Manual and, when necessary, AKART BMPs as described in RCW 90.48.010 and 90.48.520.

- (b) Require the violator to sample and analyze any discharge, surface and stormwater, groundwater, or sediment, in accordance with the sampling and analytical procedures and requirements determined by the Director, and provide that analysis to the Director.
- (c) Make inspections as required to determine compliance, including observation of BMPs or sampling surface and stormwater or groundwater as often as may be necessary.

(3) If the required corrective work is not commenced or completed within the time specified, the Director may ask the Prosecuting Attorney's office to assist in abating the public nuisance.

(4) Consistent with RCW 36.32.120(~~1011~~), the County may abate the violation itself and charge all the costs of ~~abating abatement of the nuisance incurred by Skagit County will be a special assessment upon the land or premises on which the nuisance is situated and shall constitute the violation as a public nuisance~~ lien against the property upon the same which will be of equal rank with state, county, and municipal taxes.

## **Division 1 Zoning and Land Uses**

### **Chapter 14.10 – General Provisions**

**i** Small Wireless Facilities, Macro Cell Towers, and collocation of existing cell towers are added to uses allowed in all zones to be consistent with SCC 14.59 – Wireless Facilities. Small Wireless Facilities require an Administrative Use Permit while Macro Cell Towers require a Hearing Examiner Special Use Permit. Collocation of existing cell towers are outright permitted and only require a building permit. Collocation means mounting or installing antenna on a preexisting structure and/or modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

#### **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 Chapter 14.18	P
Net metering system, solar	SCC Chapter 14.18	P
Public use	SCC Chapter 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 Chapter 14.18	P
Repair, replacement, and maintenance of water lines with an inside diameter of 12 inches or less	SCC Chapter 14.18	P
Transit stop	SCC Chapter 14.18	P
Utility development	SCC Chapter 14.18	—
—minor		AD
—major		HE
Wireless facilities	SCC Chapter 14.59	<u>AD</u> —
<u>Small wireless facilities</u>		<u>AD</u>
<u>Macro Cell Towers</u>		<u>HE</u>
<u>Collocation of cell towers</u>		<u>P</u>

**i** The following amendments add cross references and explanations to the Allowed Uses tables and Dimensional Standards in each Zoning and Land Use Chapter. The following improvements have been added:

1. References and links to the Key to the Use Tables have been added to each chapter's use table.
2. Notes have been added to each Dimensional Standards table explaining the asterisk.
3. Dimensional Standards for specific zoning districts have an added reference to the dimensional standards table.

*Amendments in addition to what is noted above have their own explanations.*

## Chapter 14.11 – Rural Mixed-Use Zones and Uses

**i** The amendment to Table 14.11.020-1 removes duplication in the table. Fish hatchery is found under Commercial Retail and Natural Resource Uses. The amendment removes the uses under the Commercial Retail section and keeps the use under Natural Resource uses.

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

	RI	RRv	RVR	RC	RVC	RVC Alger	OSRSI
<b>Commercial/Retail Uses</b>							
<b>Fish Hatchery</b>	HE	HE					
<b>Natural Resource Uses</b>							
Fish Hatchery	HE	HE					

Notes:

- [1. Key to the Use Tables can be found in SCC 14.10.050.](#)
- [2. Uses allowed in all zones can be found in SCC 14.10.060.](#)
- [3. Uses prohibited in all zones can be found in SCC 14.10.070.](#)

**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>							

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

	RI	RRv	RVR	RC	RVC	RVC Alger	OSRSI
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
Minimum Setbacks (accessory use)							
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
Building Size Limits							
Maximum height (ft)	40	40	40	40	40	40	40

Notes:

1. A three-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.

2. Values marked with an asterisk (\*) are specified within the individual sections for each zoning district of this chapter. Refer to the corresponding sections below for specific setback requirements.

**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 nonresource 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. In addition to Dimensional Standards in SCC 14.11.030-1, the following Dimensional Standards apply in this zone:

(a) Maximum Lot Coverage.

(i) Agricultural accessory or processing uses: 35 percent.

(ii) All other uses: 20 percent or 5,000 square feet, whichever is greater, not to exceed 25,000 square feet.

#### **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. In addition to Dimensional Standards in SCC 14.11.030-1, the following Dimensional Standards apply in this zone:

(a) Minimum Lot Size.

(i) Where public water service is provided, the minimum lot size is one acre.

(ii) Where public water service is not provided, the minimum lot size is two and one-half acres.

(b) *No Changes*

(c) *No Changes*

(3) *No Changes*

#### **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. In addition to Dimensional Standards in SCC 14.11.030-1, the following Dimensional Standards apply in this zone:

(a) *No changes*

(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) *No Changes*

#### **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) *No Changes*

(3) *No Changes*

(4) Dimensional Standards. In addition to Dimensional Standards in SCC 14.11.030-1, the following Dimensional Standards apply in this zone:

(a) *No Changes*

(b) *No Changes*

(5) *No Changes*

(6) *No Changes*

## Chapter 14.12 – Rural Commercial/Industrial Zones and Uses

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

	RB	RFS	SSB	NRI	RMI	SRT
<i>No changes</i>						

Notes:

[1. Key to the Use Tables can be found in SCC 14.10.050.](#)

[2. Uses allowed in all zones can be found in SCC 14.10.060.](#)

[3. Uses prohibited in all zones can be found in SCC 14.10.070.](#)

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

	RB	RFS	SSB	NRI	RMI	SRT
Lot Dimensions						
Minimum lot size (ac)	–	–	–	–	–	–
Minimum lot width (ft)	–	–	–	–	–	–
Lot Coverage						
Maximum lot coverage (%)	50	25	25	–	*	*
Minimum Setbacks (principal use)						
Front	35	35	35	50	50	35
Interior side	35	35	*	50	50	35
Rear	35	35	*	50	50	35
Building Size Limits						

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

	<b>RB</b>	<b>RFS</b>	<b>SSB</b>	<b>NRI</b>	<b>RMI</b>	<b>SRT</b>
Maximum height (ft)	40	40	50	50	50	50

Notes:

1. Values marked with an asterisk (\*) are specified within the individual sections for each zoning district of this chapter. Refer to the corresponding sections below for specific setback requirements.

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

(1) Purpose. The purpose of the Rural Freeway Service 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. In addition to Dimensional Standards in SCC 14.12.030-1, the following Dimensional Standards apply in this zone:

(a) *No Changes*

**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. In addition to Dimensional Standards in SCC 14.12.030-1, the following Dimensional Standards apply in this zone:

(a) *No Changes*

(b) *No Changes*

(3) *No Changes*

(4) *No Changes*

**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) *No Changes*

(3) Dimensional Standards. In addition to Dimensional Standards in SCC 14.12.030-1, the following Dimensional Standards apply in this zone:

(a) *No Changes*

(b) *No Changes*

**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) *No Changes*

(3) *No Changes*

(4) *No Changes*

(5) Dimensional Standards. In addition to Dimensional Standards in SCC 14.12.030-1, the following Dimensional Standards apply in this zone:

(a) *No Changes*

(6) *No Changes*

**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) – (iii) *No Changes*

(b) *No Changes*

(3)(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.

(34) Dimensional Standards. In addition to Dimensional Standards in SCC 14.12.030-1, the following Dimensional Standards apply in this zone:

(a) *No Changes*

**Chapter 14.13 – Natural Resource Zones and Uses**

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

	Ag-NRL	IF-NRL	SF-NRL	RRc-NRL
<i>No Changes.</i>				

Notes:

- [1. Key to the Use Tables can be found in SCC 14.10.050.](#)
- [2. Uses allowed in all zones can be found in SCC 14.10.060.](#)
- [3. Uses prohibited in all zones can be found in SCC 14.10.070.](#)

**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
<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 (nonresidential 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

**Notes:**

- [1. Values marked with an asterisk \(\\*\) are specified within the individual sections for each zoning district of this chapter. Refer to the corresponding sections below for specific setback requirements.](#)

- The amendment to SCC 14.13.100(3)(C) provides some flexibility to flag lots or landlocked lots where it would not be possible to develop within 200-feet of the public road or front property line without a variance.

**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. Nonagricultural 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) *No Changes*

(3) Dimensional Standards. In addition to Dimensional Standards in SCC 14.13.030-1, the following Dimensional Standards apply in this zone:

(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 nonfloodplain or nonprime agricultural land is located on the lot outside of the setback area, which would provide for a more appropriate placement of residential structures. The Director may also waive the 200-foot maximum setback in cases where a parcel is a flag lot or landlocked lot as defined in SCC 14.28.060(4), and no developable area exists within 200 feet of a public road.

(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) *No Changes*

**14.13.300 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) *No Changes*

(3) Dimensional Standards. In addition to Dimensional Standards in SCC 14.13.030-1, the following Dimensional Standards apply in this zone:

(a) *No Changes*

**14.13.400 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 nonresource-related uses and to retain a long-term, commercially significant natural resource land base.

(2) *No Changes*

(3) Dimensional Standards. [In addition to Dimensional Standards in SCC 14.13.030-1, the following Dimensional Standards apply in this zone:](#)

(a) *No Changes*

## Chapter 14.15 – Bayview Ridge UGA Zones and Uses

**i** Clarification that middle housing is 2 – 4 units has been added for consistency with other Allowed Uses table in code.

**Table 14.15.020-1 Allowed Uses in the Bayview Ridge UGA Zones**

	AVR	BR-LI	BR-HI	BR-R
<b>Residential Uses</b>				
Middle housing <a href="#">(2–4 units)</a>				P

Notes:

- [1. Key to the Use Tables can be found in SCC 14.10.050.](#)
- [2. Uses allowed in all zones can be found in SCC 14.10.060.](#)
- [3. Uses prohibited in all zones can be found in SCC 14.10.070.](#)

**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—multifamily dwelling (sf per each 2 units)	–	–	–	8,400
Minimum lot width—single-family dwelling (ft)	–	–	–	50
Minimum lot width—multifamily dwelling (ft)	–	–	–	60
<b>Lot Coverage</b>				
Maximum lot coverage (%)	–	–	–	65
<b>Minimum Setbacks (primary use)</b>				
Front (ft)	–	35	35	*

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

	AVR	BR-LI	BR-HI	BR-R
Interior Side (ft)	—	*	*	*
Rear (ft)	—	*	*	20
Minimum Setbacks (accessory use)				
Front (ft)	—	35	35	20
Interior Side (ft)	—	*	*	*
Rear (ft)	—	*	*	*
Building Size Limits				
Maximum height (ft) (but see AEO, SCC 14.14.100) <sup>2</sup>	—	*	50	40

Notes:

1. Values marked with an asterisk (\*) are specified within the individual sections for each zoning district of this chapter. Refer to the corresponding sections below for specific setback requirements.
2. The maximum allowable height is the maximum height identified in each zoning district of this chapter or the height permitted under applicable Federal Aviation Administration height-restriction regulations for structures within the Airport Environs Overlay (SCC 14.14.100(2)(d)), whichever is more restrictive.

**i** The amendment to the AVR zone eliminates redundancy in the code. All uses permitted in the BR-LI zone is already include under (a)(i).

**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.~~
- (~~xiii~~<sup>iv</sup>) Vehicle rental.
- (~~xiv~~) Warehousing for airport users.

(3) *No Changes*

**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) *No Changes*

(3) Dimensional Standards. In addition to Dimensional Standards in SCC 14.15.030-1, the following Dimensional Standards apply in this zone:

(a) *No Changes*

(4) *No Changes*

**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) *No Changes*

(3) Dimensional Standards. In addition to Dimensional Standards in SCC 14.15.030-1, the following Dimensional Standards apply in this zone:

(a) *No Changes*

(b) *No Changes*

(4) *No Changes*

(5) *No Changes*

**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) *No Changes*

(3) Dimensional Standards. In addition to Dimensional Standards in SCC 14.15.030-1, the following Dimensional Standards apply in this zone:

(a) *No Changes*

(4) *No Changes*

**14.15.500 Bayview Ridge Residential (BR-R).**

(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) *No Changes*

(3) Dimensional Standards. In addition to Dimensional Standards in SCC 14.15.030-1, the following Dimensional Standards apply in this zone:

(a) *No Changes*

(4) *No changes*

## Chapter 14.16 – Municipal UGA Zones and Uses

**Table 14.16.020-1 Allowed Uses in the Municipal UGA Zones**

	H-URv	R	URC-I	URP-OS	URR
<i>No changes</i>					

Notes:

1. Key to the Use Tables can be found in SCC 14.10.050.
2. Uses allowed in all zones can be found in SCC 14.10.060.
3. Uses prohibited in all zones can be found in SCC 14.10.070.

**i** Amendment corrects an unintended omission of the side yard setback in the Swinomish UGA Residential district (R).

**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

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

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

**Footnotes:**

1. When adjacent to other commercially zoned lots, the minimum setback is zero.
2. A three-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.
3. Values marked with an asterisk (\*) are specified within the individual sections for each zoning district of this chapter. Refer to the corresponding sections below for specific setback requirements.

**i** The amendment below removes a reference to “Attachment 2” which has not been in code for some time.

**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~~ 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) *No Changes*

(3) *No Changes*

**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) *No Changes*

(3) Dimensional Standards. In addition to Dimensional Standards in SCC 14.16.030-1, the following Dimensional Standards apply in this zone:

(a) *No Changes*

(4) *No Changes*

**i** 14.16.700(5)(a), 14.16.800(4)(a), and 14.16.900(4)(a) include references to “Appendix A (Minimum Fire Flow Design Standards)” in SCC Chapter 14.62 – Concurrency. Appendix A and fire flow standards no longer exist in SCC Chapter 14.62 and minimum fire flow standards can now be found in the International Fire Code, or as amended in Title 15 – Building and Construction. Both references to the fire flow requirements and Appendix A are removed.

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

(1) *No changes*

(2) *No changes*

(3) *No changes*

(4) *No changes*

(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 SCC Chapter 14.74 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 SCC Chapter 14.62, Appendix A (Minimum Fire Flow Design Standards).~~

(b) – (e) *No changes*

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

(1) *No changes*

(2) *No changes*

(3) *No changes*

(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 SCC Chapter 14.62, Appendix A (Minimum Fire-Flow Design Standards).~~

- (b) – (f) No changes.

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

(1) *No changes*

(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) *No changes*

(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 SCC Chapter 14.62, Appendix A (Minimum Fire-Flow Design Standards).~~

- (b) – (f) *No changes*

### **Chapter 14.18 – Use Standards**

#### **14.18.100 Applicability.**

The definitions and use standards in this chapter apply throughout SCC Title 14 unless the context plainly indicates otherwise. Definitions not related to specific uses are located in SCC 14.04 – Definitions or in other applicable chapters of SCC Title 14. Tables identifying allowed uses by zone are provided in SCC Chapters 14.11 through 14.16. SCC Chapter 14.10 lists all uses that are permitted or prohibited in all zones.

## Part I. Residential Uses

**i** The amendment to SCC 14.18.102(2) clarifies that single-family residences are not accessory to agriculture when sited on a legal lot that is eligible for development that is one acre or less. This is consistent with practice of the department since an Administrative Official Interpretation was issued on August 25, 2009 and revised May 14, 2010.

### **14.18.102 Single-family residence.**

(1) Definition. Reserved.

(2) Limitations.

- (a) *No Changes*
- (b) *No Changes*
- (c) *No Changes*

(3) Ag-NRL Restrictions. In the Ag-NRL zone:

- (a) A single-family residence is allowed only when accessory to an agricultural use, except when sited on a legal lot eligible for development per SCC 14.70.050 that is one acre or less. 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) of this Section.

(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) *No Changes*
- (b) *No Changes*

- (c) *No Changes*
- (d) *No Changes*
- (e) *No Changes*
- (f) *No Changes*
- (g) *No Changes*
- (h) *No Changes*

**i** Amendments to the Accessory Dwelling Unit use standards to fully make consistent with the Growth Management Act (RCW 36.70A.680-681). The amendments also add flexibility to the requirement limiting accessory dwelling units outside of UGAs to 150-feet of the primary residence by allowing a greater distance when necessary to protect critical areas or natural resource lands, or when existing development prevents the ADU from being placed within that distance.

#### **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 or included within the ~~principal~~ main unit of the ~~single-family~~ primary residence ~~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~~ primary residence and accessory dwelling unit(s).

~~(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)~~ Nonqualifying 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 ~~primary~~ 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.

[\(c\) Existing legal nonconforming structures that do not meet setbacks or lot coverage requirements may be converted into accessory dwelling units.](#)

- (d) Accessory dwelling units may be sited at lot lines that abut a public alley.
- (e) Off-street parking is not required for accessory dwelling units if within one-half mile walking distance of a major transit stop.

(4) Additional Requirements Outside Urban Growth Areas.

- (a) One accessory dwelling unit is permitted as accessory to a ~~single-family~~ primary residence.
- (b) Subdivision. Accessory dwelling units may not be subdivided or otherwise segregated in ownership from the principal unit of the ~~single-family~~ primary dwelling, unless allowed by the zoning.
- (c) Location. Detached ~~ADUs~~ accessory dwelling units may be no more than 150 feet from the primary ~~dwelling unit~~ residence, unless a greater distance is necessary to protect critical areas or natural resource lands, or existing development prevents the accessory dwelling unit from being placed within that distance.
- (d) Entrances. The ~~principal~~ main unit of the ~~single-family~~ primary dwelling containing the accessory dwelling unit may have only one obvious entrance visible to the street except where more than one entrance existed on or before adoption of the ordinance codified in this Section.

## Part II. Commercial/Retail Uses

**i** This update clarifies that automotive wrecking uses are only allowed as commercial uses to distinguish it from the definition of Junk in SCC 14.04.

### 14.18.218 Automobile wrecking.

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

## **Division 2 Project Design Standards**

### **Chapter 14.24 – Critical Areas Ordinance**

#### **14.24.040 Applicability, jurisdiction, and coordination.**

(1) Applicability. This Chapter applies to all land uses and developments taking place within the geographical areas that meet the definitions and criteria for critical areas regulation as set forth in this Chapter.

(2) Relationship to other Regulations.

- (a) If other provisions of Skagit County Code conflict with this chapter, or if provisions of this chapter conflict, the more protective provision applies unless the Code specifically provides otherwise.
- (b) Nothing in these regulations eliminates or otherwise affects the responsibility of an applicant or property owner to comply with all other applicable local, state, and federal regulations and permits that may be required.

(3) *No Changes.*

(4) **Jurisdictional Substitution.** If another agency possesses jurisdiction over activities within critical areas and the other agency's permit conditions or other legal requirements satisfy the requirements of this Chapter, the applicant may request those requirements substitute for the requirements of this Chapter.

(a) The request for substitution must be made in writing and include the other agency's permit conditions or other legal requirements that satisfy the requirements of this Chapter.

(b) If the Director approves the request for jurisdictional substitution, the other agency's requirements will be a condition of critical areas approval and be enforceable by the County.

(c) Agencies whose permit conditions and other legal requirements may satisfy the requirements of this chapter include: the United States Army Corps of Engineers, Environmental Protection Agency, and Fish and Wildlife Service; local Tribes; and the Washington State Department of Ecology, Department of Natural Resources and Department of Fish and Wildlife.

**i** Amendment to SCC 14.24.060(1)(b) clarifies that the language is a descriptive statement rather than a permissive statement. Amendment to SCC 14.24.060(3) adds missing language to sentence.

**14.24.060 Authorizations required; Development Permits.**

(1) **Authorization Required.**

(a) The Director's written authorization is required for any land use or development activity that can impair the functions and values of critical areas or their buffers, including suspect or known geologically hazardous areas.

(b) Impairment of the functions and values of critical areas or their buffers, ~~may~~can occur by disturbance of the soil or water, by removal of, or damage to, existing vegetation, or any other action creating an impact to a critical area ~~or~~of its buffer.

(c) The landowner, or designee, who conducts or proposes to undertake land use or development activities that can adversely impact critical areas or their buffers must obtain County authorization prior to commencing such activities.

(2) **Application for Authorization.** Applications for authorization must include:

(a) a description of the proposed activity;

(b) a site plan showing the location of the proposed activity and associated area of disturbance in relation to all known critical areas or critical areas indicators; and

(c) if any previous critical area studies have been conducted on the property, (i) copies of the studies and any decisions of the County related to critical areas, or (ii) the county's application number associated with the critical areas review.

(3) **Relationship to Development Permits.**

(a) Authorizations required under this Chapter overlay other permit and approval requirements of the Skagit County Code.

(b) If a County development permit or approval is not required for a land use or development activity that can impair the functions and values of critical areas or their buffers, this activity must comply with the substantive and procedural requirements of this Chapter.

(c) Critical areas review pursuant to this Chapter must be conducted prior to or during review of a development application.

(d) No land use development permit, land division, development approval, or other County authorization required by County ordinance will be granted until the applicant has obtained authorization under this Chapter or otherwise demonstrated compliance with any applicable provisions of this Chapter.

(4) – (6) *No Change.*

**i** SCC 14.24.080(1) is being amended to restore old language that was inadvertently omitted during the Critical Areas Ordinance Update. The language amended below is the exact language that was reviewed by the Planning Commission during the Critical Areas Ordinance update.

SCC 14.24.080(2) is proposed to be amended as a complete application is not always required to determine if Standard Review is required. These determinations are often made during pre-development meetings, front counter meetings, phone conversations, and emails.

#### **14.24.080 Standard critical areas review and site assessment procedures.**

(1) Review of Application for Authorization: Determination That an Activity Requires Standard Review.

(a) All applications for approval of activities requiring written authorization pursuant to SCC 14.24.060 will require Standard Critical Areas Review. If not otherwise required, all applications for critical areas review must include a description of the proposed activity and a site plan showing the location of the proposed activity and associated area of disturbance in relation to all known critical areas or critical areas indicators. Upon receipt of the application, the Director will determine whether the proposed activity fits within any of the activities allowed without standard review found in SCC 14.24.070. If the proposed activity is so allowed and meets the associated conditions for such an allowance, no further critical areas review will be required, except as necessary for the Director to ensure that any conditions for such an allowance are met in practice. The Director must note this determination in the application file and provide written authorization for the project or activity to proceed as proposed in the application when undertaken in accordance with any conditions for such an allowance.

(2) Review Procedures.

(a) Upon receipt of a complete application, the Director will determine if standard review is required.

(b) Standard review is required if:

- (i) a critical area or its buffer is present and the land use or development activity could impair the functions and values of the critical area or its buffers;
- (ii) the activity is not allowed without standard review under SCC 14.24.070;

(eb) When standard review is not required. If the Director determines that the proposed activity is allowed without standard review, then:

- (i) no further critical areas review will be required, except as necessary for the Director to ensure that any conditions for such an allowance are met in practice.
- (ii) the Director must note the determination in the application file and provide written authorization for the project or activity to proceed as proposed in the application when undertaken in accordance with any conditions for such an allowance.

(ec) If the proposed activity requires standard review, the Director must determine whether critical areas or their buffers are present and may be affected by the proposed activity.

- (i) Critical areas or their buffers are present if either is within 300 feet, or a distance otherwise specified in this Chapter, from the proposed activity or may be affected by the proposed activity.
- (ii) To determine if critical areas or their buffers are present, the Director will:
  - (A) Review the critical areas application together with the publicly available maps and other critical areas resources identified in the relevant sections of this Chapter; and
  - (B) Complete the Critical Areas Staff Checklist; and
  - (C) Inspect the site; and
  - (D) Complete the Critical Areas Inspection Checklist.

(3) – (8) *No Change.*

#### **14.24.100 Critical areas determination, authorization, and conditions of approval.**

**i** Amendments remove a duplication in (1) and removes reference to a checklist that is no longer used in the critical areas review process.

(1) The Director will make a determination of whether to authorize the proposed activity based on ~~the critical areas report, critical areas reports, and other available critical areas information~~, or as otherwise provided by this Code.

(2) *No Change.*

(3) Reopening of Review Process.

(a) If at any time prior to completion of the public input process on the associated permit or approval, the Director receives new evidence that a critical area or a critical area buffer may be present within 300feet of the project area or within a distance otherwise specified in this Chapter, then the Director will reopen the critical areas review process pursuant to this Chapter and will require whatever level of critical areas review and mitigation as is required by this Chapter.

(b) Once the public input process on the associated permit or approval is completed and the record is closed, then the Directors determination for the permit or approval regarding critical

areas pursuant to this Chapter must be final, unless appealed as described in SCC 14.24.730; provided, however, that the Director will not be prevented from reopening the critical areas review process if County staff relied on misinformation ~~provided by the applicant in the application or checklist~~, site conditions have changed, or if new information is available. Prior to reopening a critical areas review under this Subsection, the Director must make a site visit. No critical areas review will be reopened for a permit or approval under this Section unless the Director determines, after the site visit, that the applicant provided misinformation, site conditions have changed, or if new information is available.

(c) If a critical areas review for a permit or approval is reopened under this Subsection after a permit or approval is granted, the burden of proof on whether the applicant submitted misinformation at the time of the submittal of the checklist will be on the Director. The fact that the applicant no longer owns the subject property at the time the Director discovers the misinformation, site conditions have changed, or if new information is available will not inhibit reopening critical areas review.

**i** Amendments to 14.24.120 correct outdated cross references following the code reorganization adopted in June.

#### **14.24.120 Ongoing agriculture.**

(1) – (4) *No Changes.*

(5) Recognition for Agricultural Owners and Operators Who Have Implemented Extra Watercourse Protection Measures. This Subsection intends to recognize the extra watercourse protection measures for ongoing agriculture taken by landowners or operators who have implemented an approved dairy nutrient management plan (DNMP) or resource management system plan (RMS plan) (including, but not limited to, CREP) from SCD or NRCS.

(a) Those portions of land upon which owners or operators have sought and implemented an approved DNMP or an RMS plan consistent with the conservation practices and management standards that meet the FOTG quality criteria for each natural resource (soil, water, animals, plants and air) are entitled to a presumption of compliance with the “no harm or degradation” standards described in Subsection (3) of this Section. The RMS plan or DNMP must include within the planning unit any watercourses located on the property, as well as all upland areas within the owner’s control that could potentially adversely impact the watercourse and/or associated fish habitat.

(b) Such presumption of compliance may be rebutted and enforcement commenced as described in SCC 14.~~4409.085-285~~ if the County obtains credible evidence that the agricultural operation is not meeting the no harm or degradation standards of Subsection (3) of this Section. To be entitled to this presumption, the owner or operator must provide the County with documented evidence of implementation of those elements of the approved plan that are relevant to the resource impact at issue at the time a Request for Investigation (RFI) is presented to the County under SCC 14.~~4409.010210~~.

(6) Enforcement. The Department is directed to enforce the requirements of this Subsection, including the mandatory watercourse protection measures, as described in SCC 14.~~4409.085285~~.

**i** Amendments add acronym for Reasonable Use Exception (RUE) which is used later in 14.24.140 and replace RUE acronym in 150 with Reasonable Use Exception as it is the start of a new section.

#### **14.24.140 Reasonable use exception.**

(1) Reasonable Use Standards. An applicant who is unable to comply with the specific standards of this chapter without forfeiting all economically viable use of the property may seek approval of a "reasonable use" exception [\(RUE\)](#) for single-family residential development under this section.

(2) – (6) *No changes.*

#### **14.24.150 Variances.**

(1) If the strict application of this Chapter is found to deprive the subject property of rights and privileges enjoyed by other properties in the vicinity, due to special circumstances applicable to the subject property, including size, shape, and topography, and reasonable use cannot be achieved through the [RUE Reasonable Use Exception](#)-process specified in SCC 14.24.140, a critical areas variance may be authorized as provided in Chapter 14.58 SCC; provided however, that those surrounding properties that have been developed under regulations in effect prior to the effective date of the ordinance codified in this Chapter will not be the sole basis for the granting of the variance.

(a) Critical Areas Variances are processed as a Type 3 application as specified in Table 14.06.150-1.

**i** Table 14.24.230-2 Optional Buffers incorrectly identifies the buffer as 10' for Category II wetlands with habitat score 8-9 for Low - Land Use Impact. The buffer should be 150'. The buffer was 150' before the Critical Areas Ordinance update was adopted.

#### **14.24.230 Wetland protection standards.**

(1) Wetland Buffer Widths.

(a) *No Changes.*

(b) Optional Wetland Buffers. The applicant may choose to have the optional wetland buffers in Section 8C.2.3 (as updated in 2014) of Department of Ecology Publication No. 05-06-008, Wetlands in Washington State, Volume 2, apply in place of the standard buffers in Subsection (1)(a) of this Section, provided a site assessment is completed by a qualified professional pursuant to SCC 14.24.080 and applicable impact minimization measures and habitat corridor are applied.

**Table 14.24.230-2. Optional Buffers**

Wetland Rating	Habitat Score	Land Use Impact		
		Low	Moderate	High
Category I	Standard Buffers only			
Category II	8—9	150'	225'	300'
	6—7	75'	110'	150'
	3-5	50'	75'	100'

Wetland Rating	Habitat Score	Land Use Impact		
		Low	Moderate	High
Category III	8—9	150'	225'	300'
	6—7	75'	110'	150'
	3-5	40'	60'	80'
Category IV	Standard Buffers only			

(c) – (d) No Changes.

(3) – (7) No Changes.

#### **14.24.300 Critical aquifer recharge areas (CARA) intent.**

(1) – (3) No Changes.

(4) It is also the intent of this section to:

(a) Comply with and implement the requirements of Chapter 90.48 RCW, Chapters 173-200, 173-201A, 173-160, 246-290 and 246-291 WAC, and Chapter 12.48 SCC; and

(b) – (c) No Changes.

### **Chapter 14.25 – Landscaping**

**i** The revision to SCC 14.25.050(2)(a) and 14.25.060(2)(a) removes two zones mentioned in the Landscaping standards that no longer exist.

#### **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~~ 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 SCC Chapter 14.06. 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) *No changes*

#### **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, ~~HR~~, 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 SCC Chapter 14.06.
- (b) Type II landscapes may be applied as conditions to discretionary land use applications.

(3) *No Changes*

## Chapter 14.28 – Setbacks

**i** Amendments to 14.28.040 correct spelling and delete duplication. Measurement for retaining walls changed to bottom of footing to make consistent with building code.

### 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) & (b) *No Changes*
- (c) Retaining walls and rockeries four feet in height or less, measured from ~~top-bottom~~ of ~~footing~~ to top of wall;
- (d) – (h) *No Changes*
- (i) Electric vehicle charging stations;
- (j) – (p) *No Changes*
- ~~(q) Rockeries and retaining walls;~~
- ~~(q)~~ 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.

**i** Amendments to 14.28.050 Types of Setbacks include:

- Removal of street types from Front Setbacks and Secondary Front Setbacks to simplify code.
- Includes a secondary front setback requirement for access easements. This establishes a 10-foot setback from access easements, rather than imposing the larger front setback requirement, which is often around 35 feet.
- Restrictions for garages using the 10-foot secondary front setback to prevent vehicles from parking within the right-of-way. Garages may use the 10-foot setback only if they face away from the right-of-way; otherwise, a 20-foot setback is required.

### 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, except when the lot's primary access is from an access easement. ~~from a:~~

- (i) ~~Highway;~~
- (ii) ~~City street;~~
- (iii) ~~County road; or~~
- (iv) ~~A private road that appears on the County's private road list; or.~~

(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:

- (i) ~~a~~ A lot line that does not contain the lot's primary access but has frontage on a street; ~~or but has frontage on a:~~
- (ii) An access easement used for ingress and egress.
- (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 a vehicle garage door opening faces a public roadway, in which case a 20-foot setback is required. ~~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 (e.g., through lot in Figure 14.28.060-2).~~

(3) – (4) *No Changes*

**i** The amendments align the rear setback requirements for corner lots with Figure 14.28.060-2 and remove the rear setback provision for irregular lots described in Section 14.28.060(6)(c) and illustrated in Figure 14.28.060-6, replacing it with an interior side setback for simplicity.

The amendments also amend Figure 14.28.060-2 by making removing the rear setback requirement for through lots and correcting it to be a secondary front setback.

**14.28.060 Typical lot configurations.**

This Section demonstrates the applicability of setbacks to typical lot shapes and configurations.

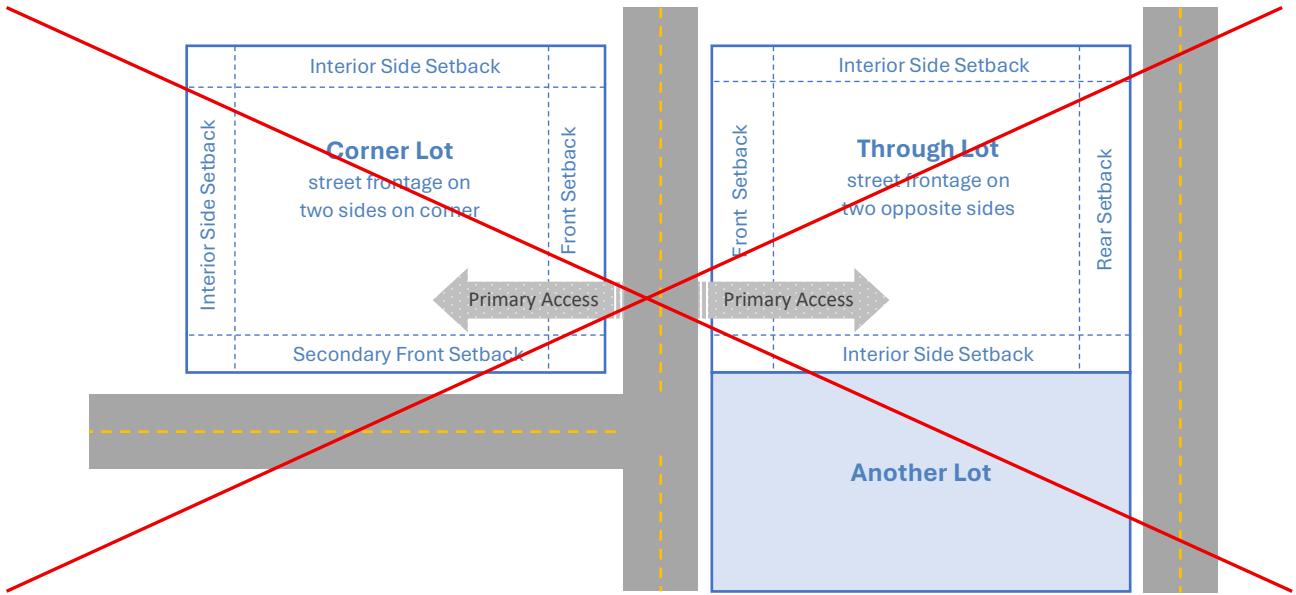
(1) *No Changes*

(2) Corner Rectangular Lot or Through Lot.

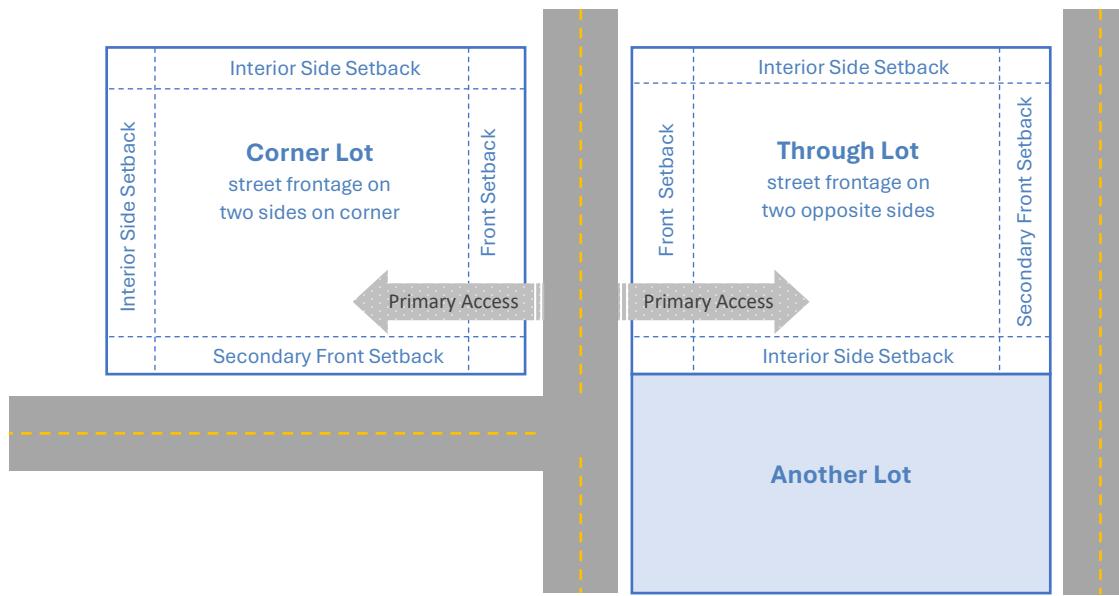
(a) This Subsection applies to a lot that is roughly rectangular and has frontage on two streets, either on a corner or on opposite sides.

- (b) The lot has a front setback from the street that provides the property's primary access. The other opposite frontage has a rear secondary front setback.
- (c) The ~~lot has a rear setback from the~~ lot line opposite from the street that provides the property's primary access shall have an interior side setback, except if that lot line is on a street, the setback is a side street secondary front setback.
- (d) The lot has interior side setback(s) from the other side(s) of such a lot.

**Figure 14.28.060-2**



**Figure 14.28.060-2**



(3) – (5) *No Changes*

(6) Pie-Shaped Lot or Other Irregular Lot

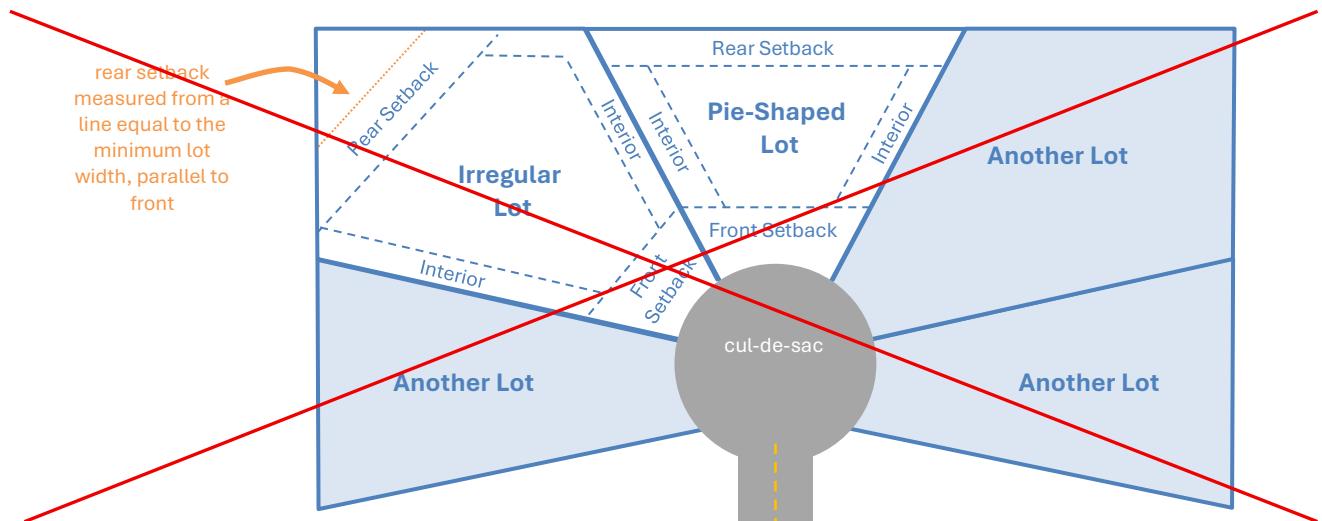
(a) This subsection applies to a lot that is narrower at one end than the other, as is typical of lots arranged around a circular cul-de-sac, and may be applied to other such irregularly shaped lots.

(b) The lot has a front street setback (or side streetsecondary front setback) from the street (e.g., from the cul-de-sac).

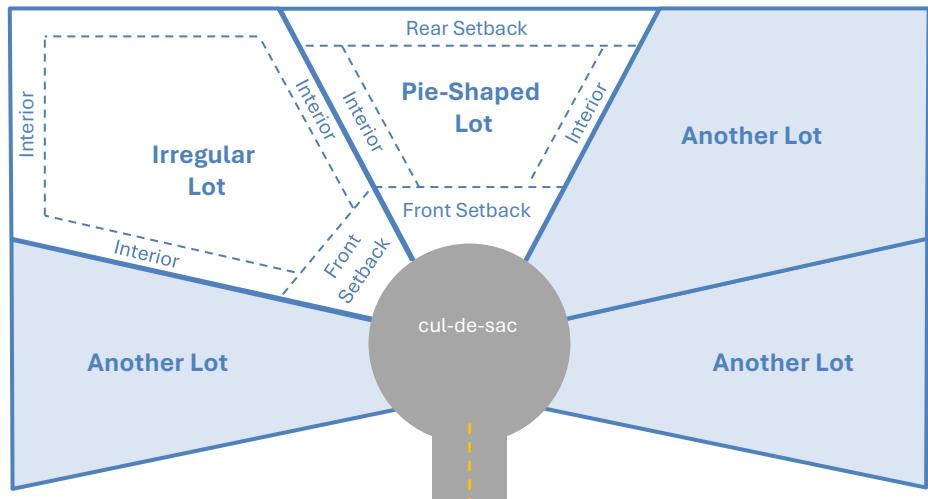
(c) The lot has a rear setback on the side or corner opposite from the cul-de-sac. If a lot corner is opposite from the cul-de-sac, then interior side setbacks apply to all lot lines that are not a front or secondary front setback. For a corner, the rear setback must be measured from a line that is the 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**



**Figure 14.28.060-6**



(7) *No changes*

## **Division 3 Land Management**

### **Chapter 14.30 Land Disturbance**

**i** Language was added to catch trenching that was missed before, and to clear up exceptions in (3) providing clarity on trigger thresholds that are not associated with building permits or shoreline substantial development permits. A provision for exception stocking material for Dike districts and Public Works for repair and maintenance.

#### **14.30.020 Applicability.**

(1) Generally. This Chapter applies to all land disturbing activity including but not limited to clearing, grading, excavation, trenching, fill, and forest practices subject to County jurisdiction. This Chapter does not apply to those activities identified in Subsection (3) of this Section.

(2) Required Review and Permit. A land disturbance permit is required for all activities subject to this Chapter. ~~unless all provisions of this Chapter are reviewed under a building or shoreline substantial project permit.~~

(3) Exemptions. The following activities, when not otherwise associated with a building permit or a shoreline substantial development permit, are exempt from the requirements of this Chapter:

(a) Except as provided in Subsections (3)(b) and (3)(c) of this Section, cumulative land disturbing activity~~7~~ over a five-year period, totaling:

(i) Less than 7,000 square feet of land disturbance and 2,000 square feet of hard surface area within the NPDES permit area; ~~and~~ or

(ii) Less than 14,000 square feet of land disturbance and 4,000 square feet of hard surface area outside the NPDES permit area cumulatively without triggering thresholds in 14.32.

(b) Grading or excavation that meets all of the following:

(i) Does not obstruct or modify drainage;

(ii) ~~is~~Trenching that is less than ~~three~~four feet deep;

(iii) Does not create a slope greater than five feet in height and not steeper than one and one-half horizontal feet to one vertical foot (66.6 percent or 33.7 degrees), unless otherwise accepted by a geo-tech;

(iv) Does not exceed 100 cubic yards of ~~excavated material~~earthwork;

(v) Over a five-year period, does not exceed 2,000 square feet of impervious area or 7,000 square feet of land disturbance;

(vi) Does not require floodplain review under SCC Chapter 14.24; and

(vii) Is not within a critical area or its buffers, unless critical areas review of the project and areas of land disturbance have been approved.

(c) Fill that meets all of the following:

- (i) Does not obstruct or modify drainage;
- (ii) Does not exceed ~~three~~one feet in depth;
- (iii) Is placed on natural terrain with a slope of less than 12 percent;
- (iv) Does not exceed 100 cubic yards;
- (v) Is not more than one foot and is intended to support a structure, other than a structure less than 200 square feet;
- (vi) Over a five-year period, does not exceed 2,000 square feet of impervious area or 7,000 square feet of land disturbance;
- (vii) Does not require floodplain review under SCC Chapter 14.24; ~~and~~
- (viii) Is not within a critical area or its buffers, unless critical areas review of the project and areas of land disturbance have been approved.       (

b) Building, structure or Conex style container 200 square feet or less as described in 15.04.030;

(c) Demolishment of a building or structure 200 square feet or less;

(d) Site investigations performed under the direction of a qualified professional that do not create permanent impacts such as surveys, soil borings, test pits, soil logs, site evaluations, percolation tests and other related activities;

(e) Forest practices not subject to County jurisdiction under RCW 76.09.240;

(f) Cemetery graves;

(g) Refuse disposal sites controlled by and in compliance with other regulations;

(h) Excavations for well or utility trenches 14.32.020;

(i) Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate, or clay controlled by and in compliance with other regulations when such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties as managed by DNR and Department of Ecology;

(j) The following agricultural activities in accordance with SCC 14.24.120:

- (i) Tilling, soil preparation, fallow rotation, planting, harvesting and other commercial agricultural activities involving working the land; provided, that any new development activities must comply with all applicable provisions of SCC Chapter 14.24;

- (ii) Maintenance or repair of existing agricultural facilities including stormwater facilities, drainage ditches, and ponds;
- (iii) New construction and enlargement of existing agricultural drainage ditches that require 500 cubic yards or less of grading; provided, that the new or enlarged ditches:
  - (A) Do not adversely impact upstream or downstream properties; and
  - (B) Are not located within 300 feet of wetlands, fish and wildlife habitat conservation areas, and erosion hazard areas.
- (k) The removal of plants designated as noxious or invasive weeds while protecting native plants and native soils;
- (l) Vegetation maintenance practices, including landscape maintenance and gardening;
- (m) Stormwater facility maintenance if conducted according to established standards and procedures and consistent with the operations and maintenance plan for the facility, including:
  - (i) Land disturbing activity associated with public improvements and maintenance by Skagit County within the existing right-of-way, except this does not include activities that expand into a critical area or associated buffer, including, but not limited to:
    - (ii) Roadside ditch cleaning if the ditch does not contain fish;
    - (iii) Pavement repair and repaving;
    - (iv) Normal grading of gravel shoulders;
    - (v) Maintenance of culverts;
    - (vi) Maintenance of flood control or other approved stormwater facilities;
    - (vii) Routing clearing within road right-of-way; and
    - (viii) Emergency action necessary to protect public safety or private or public property from imminent danger; and
- (n) Private road maintenance that does not change road dimensions, surface material, or drainage.

**(p) Stock piling of material for Drainage, Dike Districts and Skagit County Public Works for repairs and maintenance.**

**i** Language clarification to match new permit tracking system requirements.

#### **14.30.030 Application requirements.**

- (1) Review of land disturbing activity requires the applicant to submit:

(a) A narrative of the project that includes the following information:

- (i) Existing site conditions;
- (ii) Development goals of proposed work;
- (iii) Specific work to be accomplished;
- (iv) A time schedule for land clearing activities;
- (v) ~~Type of equipment to be used;~~
- (vi) A ~~construction~~ stormwater pollution prevention plan (SWPPP) that identifies measures to protect the site, adjacent properties, and downstream areas from potential adverse impacts;
- (vii) The estimated cubic yards of earthwork quantities and square footage of land disturbance area ~~of work~~ involved; and
- (viii) If excavated material is to be ~~wasted~~ disposed off site, a description of the location and the route to the disposal site;

(b) A site plan for the project proposal including a map to scale showing areas to be cleared or graded, known critical areas and existing site drainage patterns, sediment and erosion control measures, existing developed areas and those anticipated for future development.

(c) Demonstration of compliance with all applicable development standards listed in SCC ~~14.30.050~~ 14.30.040; and

(d) Any other items that may be required by the Director.

(2) An application for a forest practice subject to Skagit County jurisdiction must also include the following:

- (a) A completed "Forest Practices Conversion Application" form provided by the Department; and
- (b) A site plan that includes the location of existing and proposed skid roads, haul roads, and landings within the project area.

(3) By submitting an application under this Section, the applicant consents to entry upon the subject site by the County during regular business hours for the purposes of making inspections to verify information provided by the applicant and to ensure that work is being performed in accordance with the requirements of this Chapter.

**i** Dates are proposed to be changed in 14.32 Stormwater Management to be consistent with the County's 2024 stormwater permit.

## Chapter 14.32 Stormwater Management

**i** Updated the stormwater current manual date, which matches our current permit date. Section (4) Exemptions were updated to follow 2024 stormwater manual.

### 14.32.020 Applicability.

(1) No site development activity requiring review under this Chapter, including land disturbance, or other construction activity may occur until the proposed activity has been reviewed and any required project permit has been issued.

(2) This Chapter applies in unincorporated Skagit County to the following activities:

(a) New development means land disturbing activities, including Class IV general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of hard surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in RCW Chapter 58.17. Projects meeting the definition of redevelopment shall not be considered new development.

(b) Redevelopment means, on a site that is already substantially developed (has 35 percent or more of existing hard surface coverage), the creation or addition of hard surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of hard surface that is not part of a routine maintenance activity; and land disturbing activities.

(c) Any activity requiring a land disturbance permit under SCC Chapter 14.30.

(d) Any land disturbing activity that is not exempt from review under SCC Chapter 14.30.

(3) This Chapter applies to all applications for project permits submitted to the County:

(a) On or after July 1, 2027~~2022~~;

(b) Prior to January 1, 2017, that have not started construction by January~~July~~ 1, 2022; and

(c) Prior to July 1, 2022, that have not started construction by July 1, 2027.

(d) Prior to July 1, 2027, that have not started construction by July 1, 2032.

(4) Exemptions. The following activities, as set forth in the County's NPDES permit, Appendix 1, are exempt from the minimum requirements of this Chapter:

(a) – (d) *No changes.*

(e) Underground Utility Projects. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics are only subject to Minimum

**Requirement No. 2.** Underground utility activities include installing, maintaining, and/or upgrading an underground utility.

- (i) The limits of the exempt surfaces include only the area disturbed by the trench work necessary for the underground utility work (including any over-excavating necessary for the utility trench).
- (ii) In order for an underground utility activity to be exempt, it cannot be part of, directly related to, or caused by a new development or redevelopment project.
- (iii) Underground utility activities must replace the ground surface with in-kind material or materials with similar runoff characteristics.
- (iv) Underground utility activities are subject to only I-3.4.2 MR2: Construction Stormwater Pollution Prevention Plan (SWPPP).

**i** Clarification of when a civil engineer is required for MR 1-9. The civil engineer must provide the site plan and provide the engineer's stamp to the drawing.

#### **14.32.030 Application requirements.**

- (1) All applications for a project permit require a stormwater site plan consistent with this Chapter. Site plans requiring MR 1-9 are required to be prepared by a registered land surveyor, civil engineer or other qualified professional.
- (2) All proposals for engineered stormwater facilities must be provided in a native / PDF electronic format.
- (3) Security. The County may require liability insurance and a financial security to ensure performance of the requirements of this Chapter.

#### **14.32.040 Stormwater management manual.**

- (1) Skagit County adopts:
  - (a) Ecology's 2024~~2019~~ Stormwater Management Manual for Western Washington, as subsequently amended, as the stormwater management manual for unincorporated Skagit County.
  - (b) No Changes.
- (2) Within the Airport Environs Overlay the provisions of SCC 14.14.100(3)(c)(iii) apply.

**i** Proved clarity for MR 1-5 limits.

#### **14.32.060 Residential projects outside the NPDES permit area.**

- (1) Single-family residential and single-family residential accessory projects that are wholly outside the NPDES permit area and an urban growth area that meet these criteria must comply with

the stormwater management manual's minimum requirements as modified in Subsection (2) of this Section.

(a) Minimum Requirements Nos. 1 through 9 are required for projects that meet any of the following criteria:

- (i) Result in 10,000 square feet of new plus replaced hard surface area.
- (ii) Result in 50 percent or greater hard surface coverage of the lot.
- (iii) Convert one and one-half acres or more of vegetation to lawn or landscaped area.
- (iv) Convert five acres or more of natural vegetation to pasture.
- (v) Include grading or filling that moves more than 500 cubic yards of material.

(b) Minimum Requirements Nos. 1 through 5 are required for projects that meet any of the following criteria:

- (i) Result in 4,000 square feet and does not exceed 9,999 square feet ~~or more~~ of new plus replaced hard surface.
- (ii) Result in land disturbance of 14,000 square feet or more and includes the land disturbing activities listed in 14.32.060(a)(iii) and (iv).

(c) Minimum Requirement No. 2, Construction Stormwater Pollution and Protection Plan (SWPPP), is required for all projects.

(2) *No Changes.*

**i** Flow control is being added as a requirement to Section (1) (e) for manure lagoons or vaults being converted for stormwater. Sections 2 and 3 updated to reference unified plumbing code which requires a positive connection using an adhesive.

#### **14.32.120 General stormwater management standards.**

(1) All development must meet the following performance standards so that adjacent properties are not unreasonably burdened with surface waters resulting from such development.

- (a) Runoff may not discharge directly onto the surface of a public or private road.
- (b) Runoff may not discharge into a private road's ditch system except when the lot is within a recorded subdivision with an approved stormwater facility and the runoff is directed into that facility and will not exceed the capacity of the facility.
- (c) Runoff may not discharge into a County right-of-way, except (i) with the authorization of the Public Works Director or (ii) when the lot is within a recorded subdivision with an approved stormwater facility, the runoff is directed into that facility, and will not exceed the capacity of the facility.

- (d) Runoff may not discharge into a drainage district's system without prior written authorization from the applicable drainage district.
- (e) Runoff may not discharge directly into a manure lagoon or vault unless the lagoon or vault has been converted to only support stormwater with all flow control requirements.
- (f) Runoff and infiltration must be directed away from septic drain fields.
- (g) Runoff from impervious surfaces, roof drains, and yard drains must be directed so as not to adversely affect adjacent properties, public properties and facilities, well protection zones, unstable slopes, basement crawl spaces, and footing drains.
- (h) Runoff from development may not cause a significant adverse impact to down-gradient properties.

(2) All stormwater facilities must be constructed consistent with the currently adopted International Building Code, ~~and~~ International Residential Code, Unified Plumbing Code, and any other applicable codes.

(3) All stormwater facilities that include pipes and drains must meet the following minimum installation requirements:

- (a) Footing and roof drains may not utilize the same pipe.
- (b) Pipes shall be glued or gasketed to prevent leakage using accepted manufactured adhesives.
- (b) A one-percent minimum ground slope away from the structure is required for installation of downspouts.
- (c) Pipe covers and pipe bedding must be installed according to manufacturer's specifications.
- (d) Facilities must be inspected and approved by the County prior to use.

(e) Facilities must be cleaned of sediment prior to use.

**i** Section (1) (b) (v) – while we required the maintenance plan / O&M to be submitted and recorded. We believe not every lot needs to record the same O&M. A simple affidavit can be recorded stating the property holding stormwater facility will have the recorded maintenance plan / O&M recorded to it.

#### **14.32.160 Final inspections and approval.**

(1) Long Term Maintenance Required.

- (a) For projects that must meet only Minimum Requirement Nos. 1 through 5, stormwater BMPs must be maintained in accordance with original approval and County standards.
- (b) For projects that must meet Minimum Requirement Nos. 1 through 9, prior to the use of a stormwater treatment and/or flow control BMP/facility required by this Chapter, the owner must:

- (i) Ensure a complete initial evaluation of the stormwater facility system components and property by a qualified professional to determine functionality, maintenance needs, and compliance with this Chapter and any permits. The property owner must submit the signed and stamped engineer's evaluation to the Director for approval;
- (ii) Provide to Skagit County a complete and accurate set of reproducible as-built record drawings;
- (iii) For an engineered stormwater facility, have the as-built record drawings stamped and certified as accurate by a qualified professional;
- (iv) Obtain approval from the Director for a maintenance plan; and
- (v) Record the approved maintenance plan with the County Auditor against the title of all properties housing using the stormwater facility. Record an affidavit that Skagit County has accepted the stormwater facility maintenance plan against the title of all properties using the stormwater facility.

(c) The maintenance plan must:

- (i) Address how all of the elements of the stormwater facility will be maintained;
- (ii) Include the schedule for ongoing maintenance;
- (iii) Identify the responsible party for ongoing maintenance; and
- (iv) Be consistent with the stormwater management manual.

(d) The maintenance plan remains in force for the life of the development or until the County approves a new or amended maintenance plan for the development's stormwater facilities.

(e) For LID facilities, the facility must be protected from all of the following:

- (i) Cover by structures or impervious material;
- (ii) Soil compaction, for example by vehicular traffic or livestock;
- (iii) Damage by soil removal and grade alteration; and
- (iv) Conversion to another use.

(2) Inspections of Stormwater infrastructure and Facilities.

(a) Where a stormwater treatment and/or flow control BMP/facility is required by this Chapter, the applicant must dedicate an easement to the County for access and inspection consistent with this Chapter and during normal business hours, and when inspectors provide advance notice. The Director may waive this requirement for small facilities that do not require inspection or can be effectively inspected without an access easement.

- (b) Inside the NPDES permit area, County inspection of stormwater treatment and/or flow control BMP/facility including source control is required at least annually, or less frequently if allowed by the County's NPDES permit.
- (c) Outside the NPDES permit area, the Director is authorized to develop an inspection program, including requirements for an inspection and maintenance schedule, to determine if stormwater facilities are in good working order and are properly maintained, and to ensure that stormwater BMPs are in place and that non-point source pollution control is being implemented.
- (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 14.09, Enforcement Procedures.
- (e) Nothing in this Section limits the County's authority to inspect facilities under SCC Chapter 16.32.

## **Chapter 14.34 Flood Damage Prevention**

**i** Definitions of Repair and Replacement are being moved to SCC 14.04 as they are used in other areas of Title 14. Substantial damage definition is being moved from SCC 14.04 to flood definitions as it is only used in the flood damage prevention context.

### **14.34.005 Definitions.**

~~“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 percent of the assembly, the assembly is considered to be replaced.~~

~~“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 percent of the preconstruction value or extent of the building, structure or assembly, the building, structure or assembly is deemed to be completely replaced.~~

“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.

### **14.34.110 Applications.**

An application for a flood permit must include the following:

- (1) Vicinity map.
- (2) Description of the project.
- (3) ~~Two copies of the~~ Provide a 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 SCC Chapter 14.24, and private or public utilities including sewage. The site plan 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.

**i** Amendments made to match elevation certificate language.

#### **14.34.140 Elevation and floodproofing certification required.**

Where new construction or substantial improvements of any residential, commercial, industrial or other nonresidential use structure is located in an area where base flood elevation data has been provided, the following provisions apply:

- (1) Responsibility. The proponent of a project shall provide required certification data to the Director. All elevation and floodproofing data specified must be certified by a professional land surveyor where the project is located within A1-A10, A12, A14, A16, A18, A21-A22, and all V zones.
- (2) Form. Elevation or floodproofing certificates shall be on forms as required by FEMA. Forms shall be available from the Director.
- (3) Minimum Information.
  - (a) Actual elevation of the lowest floor (including basement).
  - (b) Actual elevation of the next highest floor to which the building has been floodproofed.
  - (c) Actual elevation of lowest horizontal member in V zones.
  - (d) Actual elevation of lowest mechanical equipment.
  - (e) Actual number of flood vents and square footage vents cover.
  - (f) For mobile homes the actual elevation of the underside of the chassis I-beam.
- (4) – (5) *No changes.*

**i** Amendments to SCC 14.34.150 made to match State flood code language.

#### **14.34.150 General standards for special flood hazard areas.**

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

- (1) – (5) *No changes.*
- (6) Anchoring.

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) All manufactured homes must be placed on a permanent foundation and be anchored to prevent flotation, collapse or lateral movement, and shall be installed to minimize flood damage. Independent footings supporting manufactured homes shall be placed a minimum of 12 inches below pre-development grade before any fill is installed. Fill shall be protected from erosion. The chassis I-beam shall be placed at least one foot above the base flood elevation. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- (c) All propane (LPG) and home heating oil tanks located above-ground shall be adequately supported and anchored to the ground in such a way that will prevent collapse, overturning, displacement or flotation resulting from floodwaters or waterborne debris.

(7) *No changes.*

(8) Construction Materials and Methods.

- (a) Where construction occurs below the BFE, all new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage including, but not limited to, studs and wall plates, wall sheathing, insulation, interior wall finishes, exterior wall finishes or siding, etc. as designated as acceptable in FEMA Technical Bulletin 2.
- (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (c) Accessory Structures (Detached Garages & Small Storage structures).
  - (i) Accessory structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:
    - (A) Use of the accessory structure must be limited to parking of vehicles or limited storage;
    - (B) The portions of the accessory structure located below the BFE must be built using flood resistant materials as designated as acceptable in FEMA Technical Bulletin 2;
    - (C) The accessory structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
    - (D) Any machinery or equipment servicing the accessory structure must be elevated or floodproofed to or above the BFE;
    - (E) The accessory structure must comply with floodway encroachment provisions;

(F) The accessory structure must be designed to allow for the automatic entry and exit of flood waters;

(G) The structure shall have low damage potential;

(H) If the structure is converted to another use, it must be brought into full compliance with the standards governing such use, and;

(I) The structure shall not be used for human habitation.

(ii) Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

(c) – (d) *No Changes.*

(9) Utilities.

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

(b) Water wells shall be located on high ground that is not in the Floodway (WAC 173-160-171).

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

(ed) On-site disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(11) Review of Building Permits.

(a) Where flood elevation data is not available as in a unnumbered A zone, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Where data cannot be reasonably obtained the lowest floor shall be Failure to elevated at least two feet above the highest adjacent grade in these zones otherwise it may result in higher insurance rates.

(12) Storage of Materials and Equipment

(a) The storage or processing of materials that could be injurious to human, animal, or plant life if release due to damage from flooding is prohibited in the special flood hazard areas.

(b) Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent floatation, or if readily removable from the area within the time available after flood warning.

**i** Amendments clarify distance requirements around dikes.

**14.34.170 Standards for construction in shallow flooding areas (AO Zones).**

Shallow flooding zones (AO Zones) appear on the Flood Insurance Rate Maps with flood depth designations from one to three feet above ground and in some areas with water velocities indicated. In these areas, the following provisions apply:

- (1) New construction and substantial improvements of residential structures within AO Zones shall have the lowest floor elevated above the highest adjacent grade of the building site, and at least one foot or more above the flood depth number specified on the Flood Insurance Rate Map (FIRM).
- (2) Where velocities of five feet per second or greater are listed in an AO Zone, new structures less than~~within~~ 500 feet and greater than 200 feet of the outside toe of any dike shall be constructed to the following standards in addition to those listed in Subsection (1) of this Section:
  - (a) All buildings or structures shall be elevated so that the lowest horizontal supporting members are located no lower than one foot or more above the base flood elevation level. All space below such supporting members shall remain open so as not to impede the flow of water. Exception: breakaway walls provided for in Subsection (2)(e) of this Section may be used.
  - (b) All buildings or structures shall be securely anchored on pilings or columns.
  - (c) Pilings or columns used as structural support shall be designed and anchored so as to withstand all applied loads of the base flood flow.
  - (d) Structural fill shall be allowed below the level of the existing grade only and shall be designed by and installed under the direction of a registered professional engineer or architect licensed in the State of Washington.
  - (e) Breakaway walls shall be allowed below the base flood elevation.
  - (f) Compliance with the provisions of Subsections (2)(c) and (e) of this Section shall be certified by a registered professional engineer or architect.
- (3) Where velocities of five feet per second or greater are listed in an AO Zone, new structures less than~~greater than~~ 500 feet from~~of~~ the outside toe of any dike shall not be constructed with a crawl space below the BFE unless it can be shown through engineering analysis that the structural components are capable of resisting the effects of buoyancy as well as hydrostatic and hydrodynamic loads.
- (4) New construction and substantial improvements of nonresidential (commercial and industrial) structures within AO Zones shall:
  - (a) Have the lowest floor elevated above the highest adjacent grade of the building site, and at least one foot or more above the depth number specified on the FIRM; or
  - (b) Together with attendant utility and sanitary facilities be completely floodproofed to one foot or more above the base flood elevation; any space below that level is watertight with walls substantially impermeable to the passage of water; structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect.

(5) If located in an AO Zone with water velocities of five feet per second or greater, or ~~within less than~~ 200 feet from the outside toe of a dike, nonresidential buildings shall be constructed to the standards of Subsections (2)(a) through (f) of this Section.

(6) Require adequate drainage paths around structures on slopes to guide floodwater around and away from proposed structures.

**i** Clarification of substantial damage of residential structures in floodway to match (WAC173-158-076) assessment from Department of Ecology for a waiver to elevate and rebuild in floodway and additional requirements in (WAC 173-158-070(1)).

#### **14.34.190 Standards for development activities in floodways.**

Located within areas of special flood hazard established in SCC 14.34.050 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwater that carries debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Prohibit encroachments including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer licensed in the State of Washington is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice as well as the "Procedures for No-Rise Certification" as published by FEMA, that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge. Additionally, Skagit County reserves the right to have this analysis reviewed by a qualified third party to be selected by the County. The cost of such review, if any, shall be the responsibility of the applicant.

(2) ~~Prohibit~~ Construction or reconstruction, repair or replacement of residential structures is prohibited in designated floodways except for:

(a) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area.

(b) ~~provided the cost of such reconstruction, repair~~ Repairs, reconstruction, or improvement to a structure of which the cost does not exceed 50 percent of the market or assessed value of the structure, that was determined either:

(i) Before the repair or reconstruction was started, or;

(ii) Before the damage has occurred, or;

(c) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent. ~~shall be calculated cumulatively with any other activity occurring during the previous 10 years and the total of all improvements or repairs shall not exceed 50 percent of the market value of the structure as established in the first year of the 10-year period.~~

(~~bd~~) Repair of a structure subsequent to sustaining damage of any origin when the cost of restoring the structure to its pre-damaged condition must be as calculated cumulatively with any other activity occurring during the previous 10 years and the total of all improvements or repairs ~~shall~~must not exceed 50 percent of the market or assessed value of the structure as established in the first year of the 10-year period and prior to the damage.

(i) Work done on structures to comply with existing health, sanitary, or safety codes when determined by the Director, or to structures identified as historic places, may be excluded in the 50 percent determination.

(~~ee~~) Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and which are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 shall be permitted subject to the following. For the purposes of this Section, "farmhouse" means a single-family dwelling located on a farm site within Agricultural Natural Resource Lands, as identified in Skagit County's Comprehensive Plan, where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

(i) The new farmhouse is a replacement for an existing farmhouse on the same farm site;

(ii) There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway;

(iii) Repairs, reconstruction, or improvements for a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;

(iv) A replacement farmhouse shall not exceed the total square footage of the encroachment of the structure it is replacing;

(v) A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within 90 days after occupancy of a new farmhouse;

(vi) For substantial improvements, and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is one foot higher than the base flood elevation;

(vii) New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwaters into the system;

(viii) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters; and

(ix) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

(3) For all substantial damage to other residential structures other than farmhouses located in a designated floodway and damaged by flooding or flood-related erosion, the Department of Ecology is authorized to assess the risk of harm to life and property posed by the specific conditions of the

floodway and, based upon scientific analysis of depth, velocity, and flood-related erosion, may exercise best professional judgment in recommending to the Skagit County Building Official, repair, replacement, or relocation of such damaged structures [consistent with WAC 173-158-076](#). The effect of the Department's recommendation to allow repair or replacement of a flood-damaged residence within the designated floodway is a waiver of the floodway prohibition. [The property owner shall be responsible for submitting to Skagit County and the Department of Ecology any information necessary to complete the assessment. Without favorable recommendation from the Department of Ecology for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070\(1\).](#)

(4) – (6) No Changes.

## **Division 5 Special Permits**

### **Chapter 14.52 – Special Use Permits for Mining**

**i** The amendment to 14.52.040 updates reference to 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* to the most up-to-date 1997 Revised Edition.

#### **14.52.040 Review criteria.**

(1) *No Changes*

(2) An application for a mining operation special use permit must be consistent with the criteria for all special use permits found in SCC Chapter 14.51 and the following:

(a) *No Changes*

(b) *No Changes*

(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 December 1997](#) 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, Chapter 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 December 1997](#) 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, Chapter 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) *No Changes*

## Chapter 14.54 – Essential Public Facilities

**i** The amendment to 14.54.010-1 removes the column for the HI zoning district, which no longer exists in code or on the Skagit County zoning map.

**Table 14.54.030-1 EPFs Allowed in Various Zones**

Type of Use	AVR	BR-LI	BR-HI	HH	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, behavioral health, 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	

## Chapter 14.56 – Master Planned Resorts

**i** SCC 14.08.020(7)(c)(iii) has not existed in code for over a decade. Development agreements are required for Master Planned Resorts per 14.56.080. Considering the timing and phasing of a Master Planned Resort will likely be dependent on the size and scope of the development, staff recommends establishing timing through a Development Agreement between the County and the Developer.

### 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 ~~must be authorized through~~ ~~specified in~~ the development agreement ~~process specified in per-~~ SCC Chapter 14.53 ~~must be as specified in the project development agreement.~~

## Chapter 14.58 – Variances

**i** Updates make the following changes to SCC 14.58.020 – Applicability – Types of Variances:

- Move variances to the agricultural siting criteria from an administrative variance to a hearing examiner variance to ensure impartial, objective, and legally sound decisions
- Allow variances of 14.76.200 One-acre segregation for agricultural land preservation as a hearing examiner variance. There is currently not a pathway for a variance to the maximum one-acre lot size for one-acre segregations in the Ag-NRL zone. A hearing examiner variance for these circumstances would provide a legal permitting pathway for property owners with pre-existing residential development that may exceed one acre and would like to subdivide their land and preserve the rest of the agricultural land.
- Allow variances to the minimum lot size requirements, provided that no additional density or development rights may be obtained, except as authorized in SCC 14.58.020(1)(c)(i).
- Remove Board of County Commissioner variances as a legal permit pathway. All variance permit pathway options are already covered in other types of variances.
- Clarify that there is no legal pathway for variances to density limits, except as allowed in SCC 14.58.020(1)(b)(vi).
- Move Critical Areas Variance to Hearing Examiner variance to be consistent with SCC 14.24 following CAO update.

### 14.58.020 Applicability—Types of variances.

(1) A variance is one of three types:

- (a) A Hearing Examiner variance ~~is required to~~ may authorize a departure from the following regulations:
  - (i) Agricultural siting criteria of SCC 14.13.100;
  - (ii) 14.76.200 One-acre segregation for agricultural land preservation.

- (iii) Minimum lot size requirements, provided that no additional density or development rights may be obtained, except as authorized in SCC 14.58.020(1)(b)(v).
    - (iv) Variances to standard critical area buffer widths per SCC 14.24.150.
    - (v) a-Any other dimensional or numeric standard in this Title, unless otherwise prohibited or described as an administrative variance 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 SCC 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).

(2) Disallowed Variances.

- (a) No variance is available to grant a use that is prohibited in the applicable zone.
- (b) Except as provided ~~above~~ in SCC 14.58.020(1)(b)(v), no variance is available for density limits.

**i** This amendment makes all variance criteria in 14.58.040(2) apply to all variances. 14.58.040(2)(d) currently only applies to Hearing Examiner and setback variances, but the criteria may be applicable to other types of variances.

#### **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)~~d 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)~~e The special conditions and circumstances do not result from the actions of the applicant.

~~(iii)~~f 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)~~g 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.

## **Division 6 Public Facilities**

### **Chapter 14.68 – Impact Fees**

**i** SCC 14.68.080 was repealed through Ordinance O20150010 and no longer exists. The section use to be for establishment of Impact Fee Accounts for Interlocal Agreements between jurisdictions.

#### **14.68.025 Definitions.**

The definitions in this Section apply throughout this Chapter and control over any conflicting definitions in SCC 14.04.020.

“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.~~

## **Division 7 Land Division and Boundaries**

### **Chapter 14.70 – Legal Lots and Eligibility for Development**

**i** Amendment to 14.70.050 allows lots under the applicable minimum lot size requirement to be eligible for development if granted a variance as proposed to be amended under SCC 14.58.020(1)(a)(iii).

#### **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, unless a variance to the minimum lot size is approved per SCC 14.58.020(1)(a)(iii); or
  - (ii) Meets the criteria in SCC 14.70.060 for an exception from the minimum lot size requirement.

(2) No Changes

**i** Amendment to 14.70.080(3)(a) clarifies that lots transferred since July 1, 1990 in compliance with minimum lot size requirements at the time of transfer, rather than zoning and aggregation provisions are not required to be aggregated. This revision preserves the intent of the original language while making the rule simpler and easier to understand.

#### **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 ~~the all zoning minimum lot size and aggregation provisions requirements~~ 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 unplatting 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.

## **Chapter 14.72 – Boundary Line Adjustments**

**i** The amendment adding 14.72.020(3)(e) eases the submittal requirements for boundary line adjustments for the purpose of lot aggregation. It exempts applicants from providing a surveyor-prepared map or a recorded survey, thereby reducing submittal requirements for simple boundary line adjustments.

### **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 Chapter 58.09 and WAC 332-130-050 is required;
  - (e) Lot line eliminations conducted for the purpose of lot aggregation pursuant to SCC 14.70.080 are exempt from the requirements of subsections (c) and (d).**
- (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.

## Chapter 14.74 – Land Divisions

**i** 14.74.130(5) is no longer applicable because all subdivisions that received preliminary approval on or before September 1, 2011 have either obtained final approval or expired. The amendment removes this cutoff to provide a pathway for extensions for newer subdivisions by allowing up to two extensions.

### **14.74.130 Preliminary approval—Duration of validity.**

- (1) A preliminary land division 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 (2)(a) and (2)(b) of this Section. Only ~~five~~two 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 (2)(a) and (2)(b) of this Section. Only 10 total extensions may be allowed pursuant to this Subsection and Subsection (5) 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.

**i** Amendments to SCC 14.74.210 correct an error by removing the reference to the County Commissioners as the approving authority for final plats. Under SCC 14.06.150-2, final plats are approved by the Director.

#### **14.74.210 Final approval—Review criteria.**

(1) – (4) *No Change.*

(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 WAC Chapters 246-290 and 246-291, 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 SCC Chapter 12.05, 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.

### **Chapter 14.78 – Standards for CaRD Land Divisions**

**i** Another row is added to Table 14.78.050-1 to further clarify that the density in the Rural Village Residential (RVR) zone is 1 dwelling unit per acre, if public water is available to serve the CaRD subdivision. SCC 14.78.050 now includes more details about density with public water vs private well.

Language limiting density near the Mineral Resource Overlay has also been added to code as an exception. This exact language was in code prior to the reorganization that was adopted last year.

#### **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	Maximum Residential Density	Maximum 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
RRv	10 ac	1 du per 5 ac	14	All
RVR	5 ac	1 du per 2.5 ac	14	All
<a href="#"><u>RVR – Public Water</u></a>	<a href="#"><u>2 ac</u></a>	<a href="#"><u>1 du per 1 ac</u></a>	<a href="#"><u>14</u></a>	<a href="#"><u>All</u></a>
H-URv	20 ac	1 du per 10 ac	14	Os-PA, Os-UR, Os-RO, Os-RSV

(2) Exceptions and Limitations.

(a) *No Changes*

(b) In the RVR zone, where public water service is provided to the CaRD, the minimum size is two acres and the maximum residential density is one dwelling unit per one acre. [Where public water is not available, the minimum lot size is five acres and the maximum residential density is one dwelling unit per 2.5 acres.](#)

(c) *No Changes*

(d) *No Changes*

(e) *No Changes*

(f) [Maximum residential densities for lands in or within one-quarter mile of a designated Mineral Resource Overlay \(MRO\) shall be no greater than one dwelling unit per 10 acres; provided, that if the underlying land use designation density of land within one-quarter mile of MRO lands is greater than one dwelling unit per 10 acres, the development rights associated with that density may be transferred to and clustered on that portion of the property located outside of one-quarter mile for the MRO lands, consistent with the CaRD policies in the Comprehensive Plan.](#)

**i** The amendment to 14.78.060(a) clarifies that CaRD building lots must be located outside of critical areas rather than buildings. This is consistent with the old code prior to the reorganization that was adopted in 2025.

**14.78.060 Design requirements.**

(1) General Lot Location and Orientation.

- (a) ~~Buildings~~ Building Lots may not be located in critical areas and their buffers designated pursuant to SCC Chapter 14.24.
- (b) *No Changes*
- (c) *No Changes*
- (d) *No Changes*

(2) *No changes*

(3) *No changes*