



PLANNING & DEVELOPMENT SERVICES

GARY R. CHRISTENSEN, AICP, DIRECTOR

BILL DOWE, DEPUTY DIRECTOR

PATTI CHAMBERS
Administrative Coordinator

TIM DEVRIES, CBO
Building Official

MEMORANDUM

To: Planning and Development Services staff and interested parties
From: Gary R. Christensen, AICP, Director
Date: August 25, 2009 *REVISED* May 14, 2010
Re: Administrative Interpretation pertaining to the procedures for implementation of Skagit County Code (SCC) 14.16.400(2) Permitted uses, specifically subsection (o) "Single-family detached residential dwelling unit and residential accessory uses, when accessory to an agricultural use; and provided, that no conversion of agricultural land is allowed for accessory uses."

I. Introduction.

SCC 14.16.400(2)(o) as amended in 2007¹ provides that single family residential building permits on land zoned Ag-NRL may be issued only where the occupancy and use of the proposed structure is "accessory" to an agricultural use, and the site plan may not permissibly convert the entire parcel of land out of agricultural production.

SCC 14.16.400(2)(o) does not set forth specific procedural measures for ensuring its criteria are met when an applicant seeks a residential building permit pursuant to SCC 14.16.400(2)(o). Accordingly, the Skagit County Planning and Development Services Department ("Department") is charged with creating appropriate and legally defensible procedural criteria. To that end, the Department has been in lengthy discussions with legal counsel and others regarding the proper method of implementing this ordinance over the course of the past several years, and has not started implementation until this process was finalized.

On June 10, 2009, the Skagit County Agricultural Advisory Board ("AAB") wrote to the Skagit County Board of Commissioners, requesting that the County step up implementation of SCC 14.16.400(2)(o). The AAB is an advisory committee comprised of local agricultural leaders, and is authorized by Resolution with providing advice to the Board of Commissioners, Planning Commission and the Department regarding land use matters impacting the agricultural industry in Skagit County. A copy of the AAB's June 10, 2009 correspondence is attached hereto as **Exhibit A**. This Memorandum and Administrative Interpretation ("Policy") establishes procedures to implement

¹ Skagit County Ordinance No. 20070009

SCC 14.16.400(2)(o) that are consistent with those proposed by the AAB and as further discussed. On August 12, 2009, the AAB voted unanimously to recommend approval of the procedures adopted by this Policy.

II. Discussion, Analysis and Conclusions.

SCC 14.16.400(2)(o) includes as a “Permitted Use” in the agricultural (Ag-NRL) zone the following:

Single-family detached residential dwelling unit and residential accessory uses, when accessory to an agricultural use; and provided, that no conversion of agricultural land is allowed for accessory uses.

When interpreting ordinances and seeking to give them procedural effect, there is an obligation to follow a series of basic interpretive rules established by Washington law. Cited below are some of the most applicable rules by way of a starting point in the analysis.

When interpreting municipal ordinances, the same rules of construction apply as those to state statutes. *Sadona v. City of Cle Elum*, 37 Wn.2d 831, 836-37 (1951 Zoning ordinances are construed as a whole, and any unreasonable construction is rejected. *Bartz v. Bd. of Adjustment*, 80 Wn.2d 209, 218 (1972). The primary purpose when interpreting a zoning ordinance is to ascertain the legislative intent, and give that intent effect. See, *East v. King County*, 22 Wn. App. 247, 253 (1978). If the language of the ordinance is unambiguous, the plain language of the ordinance is relied upon to discern legislative intent. *State v. Roggenkamp*, 153 Wash.2d 614, 621 (2005). One must remain wary of “unlikely, absurd or strained results” when interpreting an ordinance on its face. *Berrocal v. Fernandez*, 155 Wn.2d 585, 590 (2005). Laws “on the same subject matter must be read together to give each effect and to harmonize with each other.” *U.S. West Communications, Inc. v. Washington UTC*, 134 Wn.2d 74, 118 (1997). In the process of interpreting SCC 14.16.400(2)(o) and establishing procedures for its implementation, one must be ever mindful of these well-established legal principles.

Reading the plain language of the ordinance and relevant code definitions, the unambiguous intent of the ordinance, generally speaking, is to limit new residential dwellings on agricultural land to housing units proposed by those actually engaged in commercial production of crops and livestock, with an emphasis on preventing the conversion of productive agricultural land in the process. SCC 14.16.400(2)(o) is a lawfully adopted and unappealed development regulation, and it is therefore presumed valid. As the AAB has correctly pointed out, as long as SCC 14.16.400(2)(o) remains in effect the ordinance must be implemented and enforced in accordance with its terms.

With the foregoing in mind, the principal task of this Policy is to establish legally sound procedures that will ensure, consistent with code, that a proposed single family residential dwelling:

- In fact, will be an “Accessory Use” to “Agriculture”; and

- Will not convert a parcel of agricultural land to non-agricultural purposes.

Each is analyzed below and followed with procedural steps the Department will implement going forward to give effect to the ordinance's plain language.

A. Accessory Use to Agriculture

1. Accessory Use – Definition.

SCC 14.04.020 defines “Accessory Use” as “a use building or structure, which is dependent on and subordinate or incidental to, and located on the same lot with, a principal use, building or structure.” SCC 14.16.400(2)(o) permits a residence only when accessory to an “Agricultural” use. The language of this code definition, when coupled with SCC 14.16.400(2)(o), plainly envisions that new single family residential dwelling units on land zoned Ag-NRL are a permitted use only when aimed at providing housing for those engaged in agriculture. This requires analyzing the definition of “Agriculture” under the County’s relevant code.

2. Agriculture - Definition.

In relevant part, SCC 14.04.020 defines “Agriculture” as:

*[T]he use of land for **commercial production** of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products, or of berries, grain, hay, straw, turf, seed, cottonwood trees, Christmas trees (not subject to excise tax imposed by RCW 84.33.100 through 84.33.140), or livestock, including those activities directly pertaining to the production of crops or livestock, including, but not limited to, cultivation, harvest, grazing, on-site animal waste storage and disposal, fertilization, the operation and maintenance of farm or stock ponds, drainage ditches, irrigation systems, and canals, and normal maintenance, operation and repair of existing serviceable structures, facilities or improved areas. Activities that bring an area into agricultural use are not considered agricultural activities.*

Bolding added.

In light of the foregoing, a permit applicant proposing a single family residential dwelling on land zoned Ag-NRL must be engaged in the **ongoing commercial production of crops or livestock** in order to qualify under SCC 14.16.400(2)(o).

My interpretation is that the language in the foregoing definition that follows “including, but not limited to” is meant to reference activities that are in service of ongoing commercial production

of crops and livestock, and these activities do not, standing alone, bring an applicant within the definition of agriculture.²

I considered and rejected an interpretation of this code section that would treat the applicant's proposed residential use to be accessory to agriculture where the applicant simply announces a prospective intention to begin engaging in agriculture. Because any permit applicant seeking a residential building permit on Ag-NRL is likely to prospectively announce such a future intention if it leads to permit issuance, this interpretation would provide no meaningful limitation to non-agricultural residential construction on Ag-NRL land. Accordingly, such an interpretation would defeat the basic intent of the ordinance. The AAB has recommended against such an interpretation, and I agree.

Consistent with the AAB's recommendations, the Department will require an affidavit (discussed in detail in Section II) in which the applicant must represent under oath that they have earned at least \$100 per acre per year on average over the past three years in gross revenue derived from the commercial production of crops or livestock on the parcel in question. This dollar amount is derived from RCW 84.34.020's definition of "farm and agricultural land" as land that derives a certain level "gross income from agricultural uses," part of the statute's larger function of determining when a property used for agriculture legitimately qualifies for reduced property taxation rates.

Because RCW 84.34.020's definition is a state law and is aimed at determining whether a parcel of land is truly being utilized for agricultural purposes by reference to its gross revenue, I conclude that this constitutes a legally and economically rational basis on which to determine whether land is actually being used for agricultural purposes in the context of Skagit County's zoning code. In an abundance of caution, we have adopted the lower, pre-1993 threshold established by RCW 84.34.020(2)(b)(i)(A) of \$100 per acre per year.

The AAB recommended the Department adopt a flat threshold of \$10,000 per year by the applicant, but this would not make any allowance for the size of the parcel on which the single family residence is proposed. A threshold showing of \$100 per acre per year would equate to \$4,000 on a 40 acre parcel. In establishing the threshold level substantially below the level recommended by the AAB, the Department is mindful of the increase to small, local and organic producers operating on low gross receipts and overhead, activity that the County seeks to encourage. In order to avoid a situation where an otherwise bona fide agricultural producer is foreclosed from qualifying under SCC 14.16.400(2)(o) by a single poor year of production, the affidavit focuses on the applicant's average for the prior three years.³

The Department extensively discussed and analyzed whether the act of leasing land to another for agricultural purposes constitutes "Agriculture" such that a proposed residential structure would

² For example, maintenance of a farm road in service of agriculture is activity that would normally require a grading permit, but is exempted in service of commercial agricultural production. This is consistent with Skagit County Code's generally preferential treatment for agricultural activities on Ag-NRL lands.

³ The Department reserves the right to adjust this threshold amount upward or downward consistent with future fluctuations in the economy and the U.S. dollar's value, after obtaining appropriate input from the AAB.

qualify as an accessory use. But under such an interpretation of the code, a party could buy a parcel of agricultural land, lease it to a commercial farmer for several years, and on that basis claim a proposed residence qualifies as an accessory use to agriculture. Such an outcome is inconsistent with the code's basic intent, i.e., limiting residential conversion of agricultural land to housing units needed by those actually engaged in ongoing commercial production of crops and livestock. The Department also considered that the financial act of leasing land is not defined as "agriculture" by SCC 14.04.020; rather, the "use" of land is the code's operative verb. For these reasons, I conclude that the code's focus on actual use of the land for agricultural production by the applicant precludes a landowner from falling within SCC 14.16.400(2)(o) ambit simply by leasing land to another engaged in ongoing commercial agricultural production.

B. Non-Conversion.

In addition to the requirement that a proposed residence be accessory to an agricultural use, SCC 14.16.400(2)(o) also provides that "no conversion of agricultural land is allowed for accessory uses." In short, the proposed residential use cannot permissibly subsume the existing principal use of the land for agriculture.

SCC 14.04.020 further illuminates the scope and intent of this provision, defining "Conversion, agricultural land" as follows:

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

Given SCC 14.16.400(2)(o)'s focus on preventing the conversion of agricultural land to non-farm residential use, I conclude that SCC 14.16.400(2)(o) does not apply to any existing home site or a parcel of land less than one acre. Therefore, a permit applicant seeking to rebuild or remodel an existing residence within an existing converted footprint is not required to comply with the procedures established in Section II of this memorandum, and tax parcels less than one acre in size are similarly exempt.

Much of the intent behind this provision has already been implemented by the siting criteria set forth in SCC 14.16.400(6), a copy of which is attached hereto and published as **Exhibit B**, and incorporated herein by reference. In general terms, these siting criteria apply to all applications for non-agricultural uses and structures on land zoned Ag-NRL.

Because they squarely comport with the regulatory constraints on conversion established by SCC 14.16.400(2)(o) and the definition of "Conversion, agricultural land" established by code, I conclude that the SCC 14.16.400(6) siting criteria for "non-agricultural uses and structures" apply to

applications processed pursuant to SCC 14.16.400(2)(o), including the administrative interpretation attached hereto as Exhibit B.

With respect to accessory dwelling units (ADUs) allowed under SCC 14.16.710, I conclude that ADUs are a subsidiary development right that exists independent of SCC 14.16.400(2)(o), and are, as the code discusses, an accessory to the existence of a properly permitted single family dwelling unit. Therefore, applicants proposing an ADU on land zoned Ag-NRL are not required to meet the SCC 14.16.400(2)(o) procedures established in Section III of this memorandum if the ADU is accessory to a residential dwelling unit exempt from the SCC 14.16.400(2)(o) criteria, as set forth by this Administrative Interpretation. However, ADU applicants on Ag-NRL land must still meet the SCC 14.16.400(6) siting criteria as set forth above.

III. Implementation Procedures.

[Implementation Procedures section and reference in preceding paragraph renumbered to “III” to correct numbering error 5/14/10]

Where SCC 14.16.400(2)(o) applies, it is my conclusion that SCC 14.16.400(2)(o) requires a showing by the applicant that:

- The applicant (or their agricultural business) are engaged in ongoing commercial production of crops or livestock on the parcel of land zoned Ag-NRL where the single family residential dwelling is proposed;
- The use of the structure will be accessory to (dependent upon and subordinate to) ongoing commercial agricultural production of crops or livestock after the structure is completed and occupied.⁴

The procedures by which permit applicants are expected to accomplish these showings are set forth in this section of the policy memorandum.

In establishing procedures to implement SCC 14.16.400(2)(o)’s requirements, the Department attempted to establish procedures that can be easily administered, at minimum cost and burden to applicants. In summary, the Department will require that applicants submit an affidavit that they are engaged in ongoing commercial agricultural production on the parcel where the structure is proposed, and a notice to those later acquiring an interest in the parcel that the use of the structure is accessory to agriculture, consistent with code.

⁴ It is a routine feature of zoning laws that a structure is permitted for one form of use, but not another – despite the structure’s obvious physical compatibility with both uses. For example, a barn on land zoned Ag-NRL could be used for agricultural purposes or it could theoretically be used as a nightclub. While the former is a permitted use on land zoned Ag-NRL, the latter is not. Here as well, the focus of the code is on the *use* of the structure.

1. Affidavit

Each individual applicant to whom SCC 14.16.400(2)(o) applies must submit, prior to issuance of a building permit, a signed affidavit verifying that they are the owner of the parcel, and that they have generated gross income derived from commercial agricultural production on the parcel, averaging at least \$100 per acre per year for the previous three years. If the permit applicant is an agricultural business, the company's authorized representative must submit the affidavit.

Copies of affidavits will be provided to the Agricultural Advisory Board as a courtesy. The applicant may be asked to provide backup documentation at the Director's discretion if there is doubt regarding the accuracy of the applicant's affidavit. This is disclosed to the applicant via a footnote on the form.

The form of affidavit is attached hereto as **Exhibit C**.


2. Title Notification.

Each individual and/or corporate applicant to whom the SCC 14.16.400(2)(o) showings apply must submit a Title Notification in the form attached hereto as **Exhibit D**. The Title Notification does not serve as a restriction on title, but rather will simply provide notice of the permissible use of the structure permitted under SCC 14.16.400(2)(o), with a caveat that parties considering acquiring an interest in the property check development regulations to ensure that SCC 14.16.400(2)(o) has not been subsequently amended.

The Department's residential building permit application form and checklist will be amended to include these items.

Because these are implementing procedures that give effect to a lawfully-adopted development regulation, it is not necessary for the Department to publish these procedures in the form of an Administrative Interpretation. This Policy is issued and published solely as an effort to formalize the Department's basis for its implementing procedures, and to transparently set forth the analysis, discussion and rational basis underpinning the Department's implementation of this ordinance, a step seen as necessary given the high degree of interest in the agricultural community concerning this ordinance. Notice of this Policy will be published in the newspaper of record, will be posted on Skagit County's public website, and will be transmitted to the Agricultural Advisory Board and other agricultural industry and advocacy groups. This Administrative Interpretation may be appealed within 14 days of its publication in the newspaper of record. See SCC 14.06.040 and .110 for further information.

ADMINISTRATIVE OFFICIAL



Gary R. Christensen, AICP

EXHIBIT A



June 10, 2009

Dear Board of County Commissioners:

**SKAGIT COUNTY
AGRICULTURAL
ADVISORY BOARD**
2021 E. College Way
Suite 200
Mount Vernon, WA 98273
Phone (360) 424-4708
Fax (360) 428-5035

The Agricultural Advisory Board ("AAB") writes to request that the Board of Commissioners (BoCC) direct appropriate staff to begin actively implementing and enforcing Skagit County Code 14.16.400(2)(o), which allows single family residential dwellings on land zoned Ag-NRL as a permitted use only when accessory to an agricultural use. SCC 14.16.400(2)(o) is a properly adopted law, and must be implemented and enforced as written.

As you are aware, the AAB is charged under Skagit County Code Chapter 14.16 with advising the BoCC on land use and development regulations related to agriculture. We request to be kept informed of the procedures staff develops to implement this code provision.

Protecting the agricultural land base in Skagit County is a trust we are charged with keeping for future generations. As growth pressures continue to mount in our region, it is imperative that Skagit County government energetically enforce laws and ordinances designed to protect our agricultural land base. We thank you in advance for your assistance.

***"Honoring our past,
sustaining our
future, where Skagit
farms are the pride
of the community."***

Sincerely,


Kim Mower, Chair

cc: Planning

Skagit County Agricultural Advisory Board Members: Kim Mower (Chair), Mike Hulbert (Vice Chair), Murray Benjamin, Randy Good, Bob Hughes, Kraig Knutzen, Nels Lagerlund, Greg Lee, Ann Marie Lohman, Bill McMoran, John Vendeland, Lyle Wesen, Carly Ruacho, Ex-Officio, Planning & Development Services, Don McMoran, WSU Extension.

EXHIBIT B

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

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

(2) Permitted Uses.

- (a) Agriculture.
- (b) Agricultural accessory uses.
- (c) Agricultural processing facilities.
- (d) Co-housing, as part of CaRD, subject to SCC 14.18.300 through 14.18.330.
- (e) Commercial greenhouse operations that are an integral part of a local soil-based commercial agriculture operation.
- (f) Individual or multiple farm composting as an incidental agricultural operation to a working farm with no net loss of soil. The composting operation shall be managed according to an approved nutrient management plan in conjunction with the local Conservation District and Natural Resources Conservation Service (NRCS) standards and all applicable environmental, solid waste, access and health regulations. Such use shall not generate traffic uncommon to a farm operation.
- (g) Family day care provider as defined in Chapter 14.04 SCC; provided, that no conversion of agricultural land is allowed.
- (h) Farm-based business carried on exclusively by a member or members of a family residing on the farm and employing no more than 3 nonresident full-time equivalent employees.
- (i) Historic sites open to the public that do not interfere with the management of the agricultural land.
- (j) Home Based Business 1.
- (k) Manure lagoons.
- (l) Cultivation and harvest of any forest products or forest crop and necessary accessory buildings.
- (m) On-site sorting, bagging, storage, and similar wholesale processing activities of agricultural products that are predominantly grown on-site or produced principally from the entire commercial farm operation. Such activities shall be limited to those which are integrally related to the agricultural production and harvesting process.
- (n) Seasonal roadside stands not exceeding 300 square feet.
- (o) Single-family detached residential dwelling unit and residential accessory uses, when accessory to an agricultural use; and provided, that no conversion of agricultural land is allowed for accessory uses.
- (p) Water diversion structures and impoundments related to resource management.
- (q) Wholesale nurseries.

(3) Administrative Special Uses.

(a) Agricultural slaughtering facilities.

(b) Bed and breakfast, subject to SCC 14.16.900(2)(c), provided the use is accessory to an actively managed, ongoing agricultural operation and no new structures are constructed outside of the home for lodging purposes.

(c) Expansion of an existing major or minor utility or public use; provided, that the expansion is designed to utilize the minimum amount of resource lands necessary and meets items in Subsection (3)(c)(i) or (ii) of this Section as well as the item in Subsection (3)(c)(iii) of the following requirements:

(i) The expansion is located within the existing building envelope which may include the required landscaping for the approved use;

(ii) It is to be sited on existing impervious surface or in existing right-of-way;

(iii) The applicant has proven that there is no other viable alternative to providing the expansion on non-natural resource lands.

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

(e) Home Based Business 2, provided no conversion of agricultural land is required to accommodate the business activity.

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

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

(h) Personal wireless services towers, subject to SCC 14.16.720.

(i) Seasonal roadside stands not exceeding 2,000 square feet, except as allowed in Subsection (2)(n) of this Section.

(j) Temporary manufactured homes; provided, that no conversion of agricultural land is allowed.

(k) Temporary events related to agricultural production; and provided, that no agricultural land is converted and no permanent structures are constructed.

(l) Trails and primary and secondary trailheads.

(4) Hearing Examiner Special Uses.

(a) Aircraft landing field, private, as an accessory to an agricultural use only, provided the applicant has proven that there is no other viable alternative to providing the service on natural resource lands.

(b) Concentrated animal feeding operation.

(c) Habitat enhancement and/or restoration projects, except mitigation banks as defined by SCC 14.04.020.

(d) Home Based Business 3, provided the use is accessory to an actively managed, ongoing agricultural operation and no conversion of agricultural land is required to accommodate the business activity.

(e) Kennel, limited, if accessory to an existing residence or natural resource operation; and provided, that no resource land is converted or taken out of production.

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

(g) Major utility developments where there is no other viable parcel or non-agricultural designated land to serve the affected area. Analysis of alternatives to the development of the utility in the natural resource land must be provided.

(h) Natural resource research and training facility.

(i) Outdoor outfitters enterprises as defined in Chapter 14.04 SCC that remain incidental to the primary use of the property for agriculture, result in no conversion of agricultural land; and provided, that temporary lodging, etc., as regulated in SCC 14.16.900(2)(d) is prohibited.

(j) Primitive marinas with not greater than 3 slips.

(k) Seasonal roadside stands not exceeding 5,000 square feet, except as allowed in Subsections (2)(n) and (3)(h) of this Section.

(l) Shooting club (outdoor), with no associated enclosed structures allowed except as needed for emergency communications equipment; and provided, that no conversion of agricultural land is allowed.

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

(5) Dimensional Standards.

(a) Setbacks.

(i) Residential.

(A) Front: 35 feet minimum, 200 feet maximum from public road. 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 shall be measured from the front property line. The maximum setback may be waived by Planning and Development Services 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 Planning and Development Services 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. 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 Subsection (6) of this Section.

- (B) Side: 8 feet adjacent to a property line.
- (C) Rear: 35 feet.
- (D) Accessory: Same as principal structures.

- (ii) Nonresidential.
 - (A) Front: 35 feet.
 - (B) Side: 15 feet.
 - (C) Rear: 35 feet.

(b) Maximum height: 30 feet or shall conform to the Skagit County Building Code.

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

(c) Minimum lot size: 1/16th of a section of land or 40 acres. Smaller lot sizes are permissible through CaRDs or as provided in SCC 14.16.860.

(6) Siting Criteria. In addition to the dimensional standards described in Subsection (5) of this Section, new, non-agricultural structures shall be required to comply with the following provisions:

(a) Siting of all structures in the Agricultural—Natural Resource Lands district shall minimize potential impacts on agricultural activities.

(b) When no structures or no compatible structures exist on the subject property or adjacent properties, new structures shall be located in a corner of the property and all development including but not limited to structures, parking areas, driveways, septic systems and landscaping shall be contained within an area of no more than 1 acre.

(c) When structures exist on the subject property or adjacent properties, siting of new structures shall comply with the following prioritized techniques:

(i) Locate new structure(s) within the existing, developed area of any compatible structure(s) in the same ownership, and utilize the existing access road.

(ii) When the provisions of Subsection (6)(c)(i) of this Section are not possible, locate new structure(s) within the existing, developed area of any compatible structure in the same ownership.

(iii) When the provisions of Subsection (6)(c)(i) or (6)(c)(ii) of this Section are not possible, site new structure(s) to achieve minimum distance from any existing compatible structure on either the subject property or an adjacent property.

(7) Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and the rest of the Skagit County Code. (Ord. O20090006; Ord. O20080012 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. O20050003 (part); Ord. O20030021 (part); Ord. R20020130 (part); Ord. 18375 §§ 4 (part), 5, 2001; Ord. 18069 Appx. A (part), 2000; Ord. 17938 Attch. F (part), 2000)

EXHIBIT C



PLANNING & DEVELOPMENT SERVICES

1800 CONTINENTAL PLACE – MOUNT VERNON, WA 98273

Affidavit Certifying Proposed Single Family Dwelling Is Accessory Use To Ongoing Commercial Agricultural Production of Crops or Livestock on Agricultural-Natural Resources Land (Ag-NRL) Pursuant to SCC14.16.400(2)(o)

Applicant Name: _____

Authorized Representative Name / Position (if entity applicant): _____

Applicant Address: _____

City: _____ State: _____ Zip: _____

Representative Address (if different than above): _____

City: _____ State: _____ Zip: _____

Phone Number: _____ Email Address: _____

Parcel No. _____ Assessor Tax No. _____

Site Address: _____

Permit No. _____

I hereby submit the following information as part of the above-listed building permit application filed with Skagit County Planning and Development Services for the construction of a single family dwelling unit on land zoned Ag-NRL pursuant to Skagit County Code 14.16.400(2)(o). [Applicant must initial each.]

_____ I am the lawful owner of the parcel on which the single family dwelling unit is proposed, or its legally authorized representative. I understand that the information furnished in this affidavit is material to the issuance of the above-listed building permit.

_____ The applicant listed above has generated an average of at least \$100 per acre per year on the property over the past three years in gross income from the commercial production of crops or livestock.

_____ The structure proposed by the above-cited building permit will be used as single family residential housing accessory to the ongoing commercial production of crops or livestock.

I certify on penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED at _____, Washington, this _____ day of _____, 20_____.

Applicant / Applicant's Representative

Skagit County reserves the right to request additional and/or supporting documentation regarding any or all of the foregoing representation made by you. Skagit County provides a copy of each affidavit to the Skagit County Agricultural Advisory Board, a committee of agricultural industry representatives established by Skagit County Code to advise the Board of Commissioners, Planning Commission and County staff on land use issues impacting agriculture in Skagit County. All documents submitted as part of a permit application are public documents.

EXHIBIT D

Return Name & Address:
Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273-5625
(360) 336-9410

TITLE NOTIFICATION
Development Activity on Designated Agricultural Land pursuant to SCC 14.16.400

Grantor / Property Owner: _____

Grantee: Skagit County **Assessor Tax #:** _____

Property ID #: _____ **Permit Number:** _____

Legal Description of Property: _____

Parcel Address: _____

Comprehensive Plan / Zoning Designation: Agriculture (Ag-NRL) – see SCC 14.16.400

Notice: The owner of this parcel obtained the above-listed building permit for a single family detached residential dwelling unit on the basis of a representation, under penalty of perjury, that the permitted structure is "accessory to an agricultural use" pursuant to SCC 14.16.400(2)(o). SCC 14.04.020 defines "Agriculture" and "Accessory Use." The purpose of this notification is to put parties with interest in the property on notice of the allowable uses of the permitted structure pursuant to applicable zoning. Skagit County development regulations are subject to legislative change and should be reviewed prior to any purchase of land.

Property Owner's Signature: _____

State of Washington, County of Skagit On this ___ day of _____,
year of _____, before me _____, Notary
Public, personally appeared _____, known to
me to be the person whose name is subscribed to this instrument and
known to me be the lawful owner and/or lawful agent of the owner of
the property described above, and acknowledged that he/she executed
this instrument.

Witness my hand and official seal:

Notary's Signature: _____ Notary Public in and for the State of
Washington residing at _____, My Commissioner Expires _____.