

INTERIM ORDINANCE NO. _____

AN INTERIM ORDINANCE AMENDING PORTIONS OF SKAGIT COUNTY CODE (SCC) CHAPTER 14.04, DEFINITIONS AND SCC CHAPTER 14.16, ZONING ORDINANCE INCLUDING SECTIONS 14.16.160, NATURAL RESOURCE INDUSTRIAL, 14.16.320 RURAL RESERVE, 14.16.400 AGRICULTURAL-NATURAL RESOURCE LANDS, AND ADOPTING A NEW SECTION 14.16.865, AGRICULTURAL PROCESSING FACILITY PERFORMANCE STANDARDS, TO CLARIFY THE ALLOWANCES FOR AGRICULTURALLY RELATED PERMITTED AND ACCESSORY USES IN THE RURAL RESERVE AND NATURAL RESOURCE INDUSTRIAL ZONING DISTRICTS

WHEREAS, on July 24, 2000, Skagit County Zoning Ordinance (SCC 14.16) was adopted by Ordinance No. 17938 under the authority of Chapters 36.70 and 36.70A, RCW; and

WHEREAS, the Zoning Ordinance provided for agriculture and agricultural accessory uses in various zoning districts; and

WHEREAS, the definition of "agricultural accessory uses" is incomplete with regard to the full intent of the goals and objectives articulated in the Skagit County Comprehensive Plan and the Growth Management Act, which support value-added natural resource industries, the promotion of agriculture, and a diversified economic base; and

WHEREAS, the existing development code provisions do not address the practical realities of land ownership, farm operations, farm management and existing tourism events (e.g., Tulip Festival) related to agriculture; and

WHEREAS, Skagit County's rural areas are highly dependent upon and must support agricultural production and the retention of farm operations in a regionally competitive economic market; and

WHEREAS, clarifications of the zoning code and related definitions are required to bridge the gap between the goals and objectives of the Comprehensive Plan and the existing development code; and

WHEREAS, such clarifications will provide for a clearer understanding and intent of the administration of the development regulations while assuring certainty to property owners; and

WHEREAS, the proposed amendments provide notice that food processing operations must meet all other pertinent County and State development regulations which will serve to protect the public health, safety and welfare through land use review and compliance with performance standards; and

WHEREAS, a pre-development conference with the Planning and Permit Center staff is required if a development permit triggers a SEPA review; and

WHEREAS, on January 28, 2003, the Board of County Commissioners directed staff to address the issues outlined above and later discussed this directive in further detail on February 18 and 25, 2003, and

WHEREAS, the Board of County Commissioners hereby declares this need to clarify and amend the zoning codes to more accurately reflect Comprehensive Plan goals, policies and objectives and that an emergency exists due to the following findings:

1. Skagit County farmers have suffered from the loss of local food processing facilities which previously provided necessary markets for raw agricultural products.
2. Transportation costs associated with hauling to out of County food processing plants inhibit the ability of Skagit County farmers to compete in the marketplace.
3. Continued viability of Skagit County's agricultural community is dependent upon the creation of new and the continuation of existing value-added food processing enterprises in the County.
4. With a major crop season imminent, farmers must have certainty regarding land use regulations in order to obtain the financial commitments and assurances necessary to invest in the spring planting season.
5. Clarifications to code which address value-added food processing enterprises and related agricultural tourism activities are urgently necessary to support existing farm operations and the agricultural economic sector of the economy.
6. Existing farm operations are at risk of failure if regulations are not clarified and amended; and

WHEREAS, the staff prepared code amendments are consistent with the Comprehensive Plan goals, policies and objectives, including but not limited to the following:

RURAL ELEMENT

1. Goal A, Objective 1, Policy 6A-1.10: Uses allowable in the rural areas will be compatible with the primary use of the land for food, agriculture, fiber or minerals that are not of long term significance.
2. Goal A, Objective 1, Policy 6A-1.15: Land uses in rural areas that are related to farming, forestry, mining, rural residential uses, tourism, outdoor recreation, and other open space activities shall be preferred.
3. Goal A, Objective 2, Policy 6A-2.1: Agriculture, forestry, mineral and aquatic resource activities, fish and wildlife habitat conservation areas and corridors, rural lifestyles, outdoor recreation opportunities, historic buildings and sites and other open space amenities shall be retained and protected as important activities and features in rural areas.
4. Goal A. Objective 4: Help preserve rural economies and traditional rural lifestyles; foster opportunities for rural based employment, and economic diversification; and permit the operation of rural commercial businesses, natural resource related industries cottage industries, rural marine industries, recreation and tourism activities, and home occupations, that are consistent with existing and planned land use patterns ~~and are~~ of an appropriate size and scale to maintain rural character.

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ECONOMIC DEVELOPMENT ELEMENT

1. Goal B, Objective 2: Encourage value added resource based products (particularly with agriculture, fisheries and forestry activities).
2. Goal B, Objective 2: Focus business recruitment and development on firms which will diversify the local economy and can effectively serve Puget Sound, national, Pacific Rim and other global markets from a Skagit County location.
3. Goal B, Policies 12B-2.1: Skagit County's comprehensive plan shall accommodate multiple and sustainable economic uses including agriculture, fisheries and forest products industries that require proximity to the rural area resources in a manner consistent with open space preservation and environmental protection.
4. Goal D: Support Skagit County as a visitor destination by preserving and enhancing the unique qualities of both rural areas and urban communities.
5. Goal D, Objective 4: Promote visitor opportunities that complement the long-term commercial significance of natural resource and critical areas or rural lifestyles of Skagit County residents.
6. Goal H, Objective 8: Provide planning flexibility that will be responsive to unforeseen or changing economic conditions and community expectations.
7. Goal H, Objective 8: Review land use and permitting procedures to assure that regulatory processes are understandable, predictable and can be accomplished in a manner that meets or exceeds state statutory requirements.
8. Goal H, Objective 8: Encourage business investment as a means of providing job opportunities for Skagit County residents; and

WHEREAS, RCW 36.70A.390 allows for interim official controls to be adopted by the Board of County Commissioners without recommendation from the Planning Commission provided there is an emergency, and if a public hearing is held on the adopted regulations within sixty days of adoption, and further provided that findings of fact justifying the action are adopted at or immediately after the public hearing; and

WHEREAS, the Planning Commission shall hold a public hearing within sixty days from the date of adoption of this interim ordinance.

NOW, THEREFORE, BE IT ORDAINED that the Skagit County Board of Commissioners adopts the following interim amendments to SCC Chapters 14.04 and 14.16 as described in Attachment A, which is attached hereto and incorporated by reference.

WITNESS OUT HANDS AND THE OFFICIAL SEAL OF OUR OFFICE this 26th day of February, 2003.

SKAGIT COUNTY BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Kenneth A. Dahlstedt
Kenneth A. Dahlstedt, Chairman

Ted W. Anderson
Ted W. Anderson, Commissioner

Don Munks
Don Munks, Commissioner

ATTEST:

JoAnne Giesbrecht
JoAnne Giesbrecht, Clerk of the Board
Skagit County Board of Commission

APPROVED AS TO FORM:

John R. Moffat
John R. Moffat, Chief Civil Deputy
Skagit County Prosecutor's Office

Gary R. Christensen
Gary R. Christensen, AICP, Interim Planning Director
Planning and Permit Center

ATTACHMENT A

Proposed changes to SCC 14.04 Definitions.

Agricultural accessory use: An agricultural accessory use shall predominately (50 percent or greater) serve the principal use of the farm, but may also serve other farms located in Skagit County. It shall be considered accessory to an agricultural use if it is located on either the same lot or other lots that collectively or in singular comprise a principal use of a corporate farm or farm held or leased by a farm manager or his immediate family. An accessory use to an agricultural use, including, but not limited to, the following:

- (a) Outdoor storage of processed and unprocessed natural materials, waste materials, or other similar materials;
- (b) Impoundments under 1-acre feet in volume;
- (c) Farm animal or horticultural viewing by the public;
- (d) U-pick sales to the public;
- (e) Storage of agricultural products, ingredients, packaging and/or equipment used on site; and
- (f) Miscellaneous: agricultural support buildings, including barns, sheds, corrals, farm offices, and coops, which are used for on-site soil-dependent agriculture.
- (g) Activities associated with tourism which promote local agriculture, provided that adequate parking and specified ingress and egresses are designated and permitted.

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

Agricultural slaughtering facility: a facility which slaughters animals or fowl grown in commercial agriculture for processing and sales.

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. 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 14.18.300-330.
 - (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 SCC 14.04
 - (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 non-resident 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) Impoundments that function as manure lagoons, irrigation ponds, on-site wetland enhancement/restoration projects or other on-site resource management based ponds.
 - (l) Management and harvest of any forest crop and the usual 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.
 - (p) Water diversion structures and impoundments related to resource management and on-site wetland restoration/enhancement projects.
 - (p) Wholesale nurseries.
- (3) Administrative Special Uses.

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- (a) Bed and breakfast, subject to SCC 14.16.900(3)(c) provided no new structures are constructed outside of the home for lodging purposes.
- (b) 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 item i or ii and item 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.
- (c) Greenhouse operations not otherwise permitted in 14.06.400(2)(d). 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.
- (d) 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.
- (e) 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 on non-agricultural land to locate the salmon recovery or enhancement project.
- (f) Personal wireless services towers, subject to SCC 14.16.720.
- (g) Seasonal roadside stands exceeding 300 square feet.
- (h) Temporary manufactured home as permitted in SCC 14.16.900(3)(b).
- (i) Temporary outdoor events related to agricultural production and provided that no permanent structures are constructed.
- (j) Trails and primary and secondary trailheads.
- (k) Agricultural slaughtering facilities.
- (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) Home Based Business 2 provided no conversion of agricultural land is required to accommodate the business activity.
 - (d) If located within a designated mineral resource overlay, extracting and processing mineral resources.
 - (e) 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.

- (f) 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.
- (g) Natural resource research and training facility.
- (h) Outdoor Outfitters Enterprises as defined in SCC 14.04 that remain incidental to the primary use of the property for agriculture, result in no net loss of agricultural soil and provided that temporary lodging etc. as regulated in SCC 14.16.900(3)(d) is prohibited.
- (i) Primitive marinas with not greater than 3 slips.
- (j) Shooting club (outdoor, no associated enclosed structures allowed except as needed for emergency communications equipment and provided that no net loss of agricultural soil is associated with the use.).
- (k) Temporary asphalt/concrete batching as defined and limited in Skagit County Code 14.04 Definitions, 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. Maximum setback may be waived by the Planning and Permit Center where critical areas are located within 200 feet of the road, preventing the placement of a house within the setback area. The maximum setback may also be waived by the Planning and Permit Center in cases where non-floodplain or non-prime agricultural land is located on the lot outside of the setback area, which would provide for a more appropriate placement of a house.
- B.) Side: 8 feet adjacent to a property line.
- C.) Rear: 35 feet.
- D.) Accessory: Same as Principal structures.

(ii) Non – residential:

- 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 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.

(5) Siting Criteria.

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

- (b) Structures shall be located at the edge of the property, either adjacent to the road or next to an interior lot line.
- (c) When structures exist on adjacent properties, siting of new structures shall comply with the following prioritized techniques:
 - (i) Locate new structures(s) in the same ownership adjacent to an existing compatible structure(s), sharing a common access road.
 - (ii) When the provisions of Subsection (c)(i) above are not practical, locate adjacent to an existing structure.
 - (iii) When the provisions of Subsection (c)(i) or (ii) above are not practical, site to achieve minimum distance between structures.
- (6) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.

Proposed Changes to 14.16 Zoning Ordinance

14.16.320 Rural Reserve (RRv).

- (1) Purpose. The purpose of the Rural Reserve district 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 zoning district are transitional areas between resource lands and non-resource lands for those uses that require moderate acreage. They establish long-term open spaces and critical area protection using CaRDs as the preferred development pattern.
 - (2) Permitted Uses.
 - (a) Agriculture.
 - (b) Agricultural accessory uses.
 - (c) Agricultural processing facility.
 - (d) Campground, primitive.
 - (e) Co-housing, as part of a CaRD, subject to SCC 14.18.300-330.
 - (f) Cultivation, harvest and production of forest products or any forest crop, in accordance with the Forest Practice Act of 1974, and any regulations adopted pursuant thereto.
 - (g) Detached single-family dwelling units.
 - (h) Family day care provider.
 - (i) Home Based Business 1.
 - (j) Residential accessory uses.
 - (k) Wine tasting room.
 - (3) Administrative Special Uses.
 - (a) Bed and breakfast, subject to SCC 14.16.900(3)(c).
 - (b) Minor utility developments.
 - (c) Parks - specialized recreational facility.
 - (d) Temporary manufactured home.
 - (e) Temporary outdoor events.
 - (f) Trails and primary and secondary trailheads.
- Hearing Examiner Special Uses.

- (g) Adult group care facility.
- (h) Aircraft landing field, private.
- (i) Animal clinic hospital.
- (j) Animal preserve.
- (k) Campground, developed.
- (l) Cemetery.
- (m) Church.
- (n) Community club/Grange hall.
- (o) Display gardens.
- (p) Expansion of existing major public uses up to 3,000 square feet.
- (q) Festival site.
- (r) Fish hatchery.
- (s) Golf course.
- (t) Group care facility.
- (u) Historic sites open to the public.
- (v) Home Based Business 2.
- (w) Impoundments greater than 1-acre feet in volume.
- (x) Indoor shooting clubs.
- (y) Kennels.
- (z) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
- (aa) Major utility developments.
- (bb) Manure lagoon.
- (cc) Minor public uses.
- (dd) Natural resources training/research facility.
- (ee) Off-road vehicle park.
- (ff) Outdoor Outfitters Enterprises.
- (gg) Outdoor recreational facilities.
- (hh) Outdoor storage of processed and unprocessed natural materials in quantities greater than 500 cubic yards that do not have a potential health hazard.
- (ii) Outdoor storage of processed and unprocessed natural materials in quantities greater than 50 cubic yards that may have a potential health hazard. Does not include storage of hazardous materials.
- (jj) Parks-community.
- (kk) Personal wireless services towers, subject to SCC 14.16.720.
- (ll) Pre-school.
- (mm) Public marinas with no more than 20 slips.
- (nn) Racetrack – recreational.
- (oo) Retail and wholesale nurseries/greenhouses.
- (pp) Retriever/dog training facility.
- (qq) Seasonal roadside stands over 300 square feet.
- (rr) Seasonal worker housing.
- (ss) Stables and riding clubs.
- (tt) Storage of unlicensed/inoperable vehicles.

- (oo) Temporary asphalt/concrete batching, subject to the applicable provisions of SCC 14.16.440
- (4) Dimensional Standards.
 - (a) Setbacks primary structure:
 - (i) Front: 35 feet.
 - (ii) Side: 8 feet on an interior lot.
 - (iii) Rear: 25 feet.
 - (b) Setbacks, accessory structure:
 - (i) Front: 35 feet.
 - (ii) Side: 8 feet, 3-foot setback is permitted from the side and rear lots 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, 20 feet from the street right-of-way.
 - (iii) Rear: 25 feet, 3-foot setback is permitted from the side and rear lots 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.
 - (c) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
 - (d) 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.
 - (ii) If adjacent to a BR-I zone, the maximum height shall not exceed 40 feet, unless limited by SCC 14.16.210 (Airport Environs).
 - (e) Minimum Lot Size: 10 acres or 1/64th of a section, unless created through a CaRD.
 - (f) Minimum Lot Width: 150 feet.
 - (g) Maximum Lot Coverage: 35%.
- (5) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.

14.16.160 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) Permitted Uses.
 - (a) Uses related to agriculture including, but not limited to:
 - (i) Agricultural implement sales.
 - (ii) Agricultural processing facilities.
 - (iii) Agricultural slaughtering.
 - (iv) Animal clinic/hospital.
 - (v) Commercial composting.
 - (vi) Fabrication of farm related items.
 - (vii) Farm management services.
 - (viii) Fertilizer manufacturing.
 - (ix) Irrigation systems sales, repair and storage.
 - (x) Livestock auction facility.
 - (xi) Stockyards less than 40 acres.
 - (xii) Storage and distribution of animal feeds, fertilizers, pesticides and seed.
 - (xiii) Wholesale nurseries/greenhouses.
 - (b) Uses related to forestry including, but not limited to:
 - (i) Fabrication of forestry related items;
 - (ii) Forest industry storage and maintenance facility;
 - (iii) Forestry management services and forest industry support services.
 - (iv) Log scaling station;
 - (v) Manufacturing wood containers and products;
 - (vi) Operation of sawmills, chippers, shake and shingle mills, scaling stations, log dumps and sorting areas, forest industry equipment maintenance, buildings and storage yards, and forest industry residue dumping areas;
 - (vii) Prefabricated wood building and components; and
 - (viii) Wood waste recycling.
 - (c) Uses related to aquatic resources including, but not limited to, the following:
 - (i) Fabrication, maintenance, and repair of equipment, vessels, and structures associated with aquatic natural resource industries;
 - (ii) Management and propagation of fish and wildlife;
 - (iii) Seafood processing and accessory on-site sales;
 - (iv) Shellfish processing and accessory on-site sales;
 - (v) Treatment and bottling of water for commercial sales; and
 - (vi) Upland fish farm.

- (d) Historic sites open to the public.
- (e) Minor public uses.
- (3) Accessory Uses. The following uses are an accessory use to a permitted or special use. All accessory uses may only be used to serve the on-site primary permitted natural resource industrial use:
 - (a) Caretaker or owner/operator dwelling unit;
 - (b) Explosives storage for use on NRL lands;
 - (c) Industrial vehicle storage facility for vehicles which only serve natural resource industries;
 - (d) Metal working shop for the maintenance and repair of equipment used by the primary permitted natural resource industrial use;
 - (e) On-site hazardous waste storage and treatment facilities as an accessory use to a permitted or special use;
 - (f) Offices in conjunction with the permitted use;
 - (g) Retail sales of finished timber products; and
 - (h) Retail nurseries/greenhouses.
- (4) Administrative Special Uses.
 - (a) Expansion of existing major public uses up to 3,000 square feet.
 - (b) Minor utility developments.
 - (c) Outdoor storage of materials in quantities greater than 50 cubic yards that may have a potential health hazard (for example, animal carcasses). Does not include storage of hazardous materials.
 - (d) Outdoor storage of processed and unprocessed natural materials in quantities greater than 500 cubic yards that do not have a potential health hazard.
 - (e) Storage of unlicensed/inoperable vehicles.
 - (f) Temporary outdoor events.
 - (g) Trails and primary and secondary trailheads.
- (5) Hearing Examiner Special Uses.
 - (a) Billboards.
 - (b) Home Based Business 2.
 - (c) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
 - (d) Major utility developments.
 - (e) Permanent or temporary asphalt or concrete batching and recycling.
 - (f) Petroleum products and gas storage – bulk.
 - (g) Personal wireless services towers, subject to SCC 14.16.720.
 - (h) Stockyards greater than 40 acres.
- (6) Dimensional Standards.
 - (a) Front, Side and Rear Setbacks: All uses on the property (except landscaping, open space, and driveways without parking) shall be setback a minimum of 50 feet from the property boundary, and edges of existing and planned public right-of-ways.
 - (b) Special Setbacks: Explosive storage, on-site hazardous waste storage and treatment facilities, and petroleum products and gas bulk storage shall be

- setback a minimum of 300 feet from the property boundary, and edges of existing and planned public right-of-ways.
- (c) **Maximum Size Limits.** The maximum size for a contiguous NRI district is 40 acres unless adjacent to a UGA. The maximum gross floor area for all buildings, except greenhouses, in a NRI District is 15% of total lot area for NRI Districts adjacent to UGAs, Rural Villages, or Rural Centers and 10% of total lot area if not adjacent to a UGA, Rural Village, or Rural Center. Maximum gross floor area for greenhouses shall be 70, so long as all other requirements of the Skagit County Code are met.
 - (d) **Setbacks from NRL lands** shall be provided per SCC 14.16.810(7).
 - (e) **Maximum Height:** 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.
- (7) **Special Provisions.**
- (a) All sides of a proposed NRI use adjacent to a Rural Village shall comply with the following:
 - (i) All structures and outside activities shall be so located or screened from adjacent properties to avoid disturbance through glare, shading, noise, dirt or other nuisances or hazards;
 - (ii) No petroleum pumps or above-ground petroleum storage shall be closer than 30 feet from any street right-of-way; and
 - (iii) All development proposals within the Natural Resource Industrial district shall include a plan, which shall be reviewed by and acceptable to the Planning and Permit Center. This plan shall diagram and explain how open areas shall be maintained during and after construction to avoid sewage, drainage and dust nuisances to adjacent properties, uses, and critical areas. The plan shall also demonstrate how existing easement rights or other property ownership interests in the property are protected.
 - (b) All open portions of any lot shall have adequate grading and drainage consistent with the requirements of SCC 14.32.
 - (c) Impacts of the use on the off-site road system shall be mitigated, particularly with regard to the impacts of trucks on substandard roads between the site and the arterial system.
- (8) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.

New code section:

SCC 14.16.865 Agricultural Processing Facility Performance Standards

- (1.) All agricultural food processing facilities shall comply with the regulations encompassed in Titles 14 and 15, the Unified Development Code and Uniform Building Code, Uniform Fire Code and the following provisions:
 - (a) An approved access permit from the Public Works Department must be obtained.
 - (b) All appropriate building permits must be obtained.
 - (c) Compliance with the pertinent provisions of WAC Title 69, Food Drugs, Cosmetics and Poisons now and as amended in the future is required.
 - (d) Compliance with the Skagit County Health Department rules and regulations outlined in SCC 12.05 and SCC 12.48.
 - (e) For food processing operations occupying greater than 1 acre (perimeter drawn around associated processing areas) a Type I landscape buffer shall be provided on all sides as described in SCC 14.16.830 unless an alternative screening plan is approved by the Administrative Official. Such a request shall be submitted in letter format to the Administrative Official.
 - (f) No off-road parking on public right-of-way.
- (2) An agricultural food processing facility that triggers a SEPA review requires a pre-development meeting with staff to discuss permitting requirements.