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TITLE 14
SKAGIT COUNTY CODE

CHAPTER 14.16

ZONING

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1 **14.16.010 Title and Purpose.**

2 This Chapter shall be known as the Zoning Code of Skagit County, Washington, constituted by
3 the text and zoning maps. The regulations are intended to carry out the goals and policies of the
4 Skagit County Comprehensive Plan. This Chapter is intended to benefit the public as a whole
5 and not any specific person or group of persons. Applications for permits and approvals are
6 subject to the provisions of this Chapter and other ordinances and laws. This Chapter classifies,
7 designates, and regulates the development of land for agriculture, forest, mineral resource
8 extraction, residential, commercial, industrial and public land uses for the unincorporated area of
9 Skagit County.

10
11 **14.16.020 Scope.**

- 12 (1) Construction. This Chapter shall be liberally construed to secure and protect the public
13 health, safety, and welfare of the people and the land. When interpreting this code, the
14 minimum requirement necessary to achieve the intent shall prevail. Wherever the
15 requirements of the ordinance conflict with other laws in effect, that which imposes the
16 higher standard while meeting the intent of the codes shall prevail.
- 17 (2) Administrative Official. It shall be the responsibility of the Administrative Official, or
18 designated representative, to interpret and apply the provisions of this Chapter pursuant
19 to SCC 14.06.040.
- 20 (3) Interpretation of Uses. When a use is not specifically listed in this Ordinance, it shall be
21 understood that the use may be allowed if it is determined by the Administrative Official
22 that the use is similar to other uses listed. It is further recognized that not every
23 conceivable use can be identified. In anticipation that new uses will evolve over time,
24 this Section establishes the Administrative Official's authority to compare a proposed use
25 and measure it against those listed in this Chapter for determining similarity. In
26 determining similarity, the Administrative Official shall make all of the following
27 findings:
- 28 (a) The proposed use shall substantially meet the intent of and be consistent with the
29 goals, objectives and policies of the Comprehensive Plan;
 - 30 (b) The proposed use shall meet the stated purpose and general intent of the zone in
31 which the use is proposed to be located;
 - 32 (c) The proposed use shall not adversely impact the public health, safety and general
33 welfare of the residents of the County; and
 - 34 (d) The proposed use shall share characteristics common with and not be of greater
35 intensity, density or generate more environmental impact than those uses listed in
36 the land use zone in which it is to be located.

37
38 **14.16.030 Districts, Maps and Boundaries.**

39 Skagit County is hereby divided into land use districts to carry out the policies and objectives of
40 the Comprehensive Plan. This Chapter describes the limitations and regulations for the use of
41 and construction on properties within each zone. The following table illustrates the relationship
42 between Comprehensive Plan land use designations, allowed residential densities and zoning
43 districts.

1 TABLE OF LAND USE DISTRICTS

2

Comprehensive Plan Land Use Designation	Residential Densities Dwelling units/acre	Zoning District
Rural Village Commercial	Not Applicable	Rural Village Commercial (RVC)
Rural Center	Not Applicable	Rural Center (RC)
Rural Freeway Services	Not Applicable	Rural Freeway Services (RFS)
Small Scale Recreation and Tourism	Not Applicable	Small Scale Recreation and Tourism (SRT)
Cottage Industry/Small Scale Business	Not Applicable	Cottage Industry/Small Scale Business (CSB)
Rural Business	Not Applicable	Rural Business (RB)
Natural Resource Industrial	Not Applicable	Natural Resource Industrial (NRI)
Rural Marine Industry	Not Applicable	Rural Marine Industry (RMI)
Bayview Ridge Industrial	Not Applicable	Bayview Ridge Industrial (BR-I)
Bayview Ridge Heavy Industrial	Not Applicable	Bayview Ridge Heavy Industrial (BR-HI)
Aviation Related	Not Applicable	Aviation Related (AVR)
Airport Environs Overlay	Not Applicable	Airport Environs Overlay (AEO)
Rural Intermediate	1/2.5 acres or 1/256th of a section	Rural Intermediate (RI)

Comprehensive Plan Land Use Designation	Residential Densities Dwelling units/acre	Zoning District
Rural Village Residential	1/1 acre or 1/640th of a section with public water & septic or 1/2.5 acres or 1/256th of a section with private water & septic	Rural Village Residential (RVR)
Rural Reserve	1/10 acres or 1/64th of a section or 2/10 acre with CaRD	Rural Reserve (RRv)
Residential	8,400 square feet with public sewer; 12,500 square feet without public sewer	Residential (R)
Agricultural - Natural Resource Lands	1/40 acres or 1/16th of a section	Agricultural Natural Resource Land (Ag-NRL)
Industrial Forest - Natural Resource Lands	1/80 acres or 1/8th of a section	Industrial Forest Natural Resource Land (IF-NRL)
Secondary Forest - Natural Resource Lands	1/20 acres or 1/32nd of a section	Secondary Forest Natural Resource Land (SF-NRL)
Rural Resource - Natural Resource Lands	1/40 acres or 1/16th of a section or 4/40 acres with CaRD	Rural Resource Natural Resource Land (RRc-NRL)
Mineral Resource Overlay	Not Applicable	Mineral Reserve Overlay (MRO)
Open Space of Regional/Statewide Importance	Not Applicable	Open Space of Regional/Statewide Importance (OSRSI)

1
2 (4) Zoning Maps. The official zoning maps delineate the land use districts. The official
3 zoning maps together with the explanatory matter thereon are hereby adopted by
4 reference and declared a part of this Chapter. The districts may be redefined from time to
5 time by adoption of amendments (rezones) to the zoning map, in accordance with this
6 text and RCW 36.70 and RCW 36.70A and SCC 14.08 (Legislative Actions) by a map or
7 maps showing the geographical area and location of said amendments. The Board of
8 County Commissioners shall enter changes on the official zoning map promptly after
9 approval. The map, or maps, shall be filed by the County and be permanently displayed

1 at a location available to the public. Regardless of the existence of copies of the official
2 zoning map, which may from time to time be made or published, the official zoning map
3 shall be located in the office of the Department, and shall be the final authority as to the
4 current boundaries of the land use districts. The official zoning map shall show the
5 zoning of specific parcels of land and the use regulations of the district shall apply to the
6 land and shall be consistent with the Comprehensive Plan land use designations.

- 7 (5) Boundary Interpretations. When uncertainty exists as to boundaries of any land use zone
8 shown on the official zone map, the following rules of construction shall apply:
- 9 (a) When 2 different zones are separated by a road, the actual centerline of the right-
10 of-way shall be construed to be the zone boundary.
 - 11 (b) Where zone boundaries are indicated on such maps as approximately following
12 the lot or tract lines, the actual lot tract line shall be construed to be the
13 boundaries of such zone.
 - 14 (c) Where a zoning district boundary on the official zoning map divides a parcel, the
15 location of such district boundary thereon shall be determined by use of the scale
16 appearing on the zoning map;
 - 17 (d) Zone boundaries indicated as following shorelines shall be construed to follow
18 such shorelines, and in case of change in the shoreline, shall be construed as
19 moving with the actual shoreline, except in cases where a government meander
20 line exists, in which case the shoreline shall be measured from the meander line.
 - 21 (e) Boundaries indicated as following railroad lines shall be construed to be the
22 centerline of the right-of-way.
 - 23 (f) Where a public street or alley is officially vacated or abandoned, the regulations
24 applicable to the abutting property to which the vacated portion reverts shall apply
25 to such vacated or abandoned street or alley.
 - 26 (g) In case uncertainty exists which cannot be resolved by the application of the
27 foregoing rules, the Administrative Official shall determine the location of such
28 zone boundaries by written decision.

29
30 **14.16.100 Rural Village Commercial (RVC).**

- 31 (1) Purpose. The Rural Village Commercial zoning districts are located within each Rural
32 Village identified in the Comprehensive Plan. This zoning district provides an activity
33 center where rural residents and others can gather, work, shop, entertain and reside. This
34 district is intended to provide for a range of commercial uses and services to meet the
35 everyday needs of rural residents and natural resource industries, to provide employment
36 opportunities for residents of the rural area, and to provide goods, services, and lodging
37 for travelers and tourists to the area.
- 38 (2) Permitted Uses. The following uses that primarily serve the needs of the surrounding
39 rural population, visitors to the rural area, or natural resource industrial uses in the rural
40 area:
- 41 (a) Art galleries and studios;
 - 42 (b) Business offices;
 - 43 (c) Caretaker quarters or owner/operator dwelling unit accessory to main use;
 - 44 (d) Community club/grange hall;
 - 45 (e) Family day care provider;
 - 46 (f) Gas stations;

- 1 (g) Historic sites open to the public;
- 2 (h) Loft living quarters above store fronts;
- 3 (i) Mini-storage;
- 4 (j) Minor public uses;
- 5 (k) Natural resource support services, including office uses and wholesale, retail and
- 6 service businesses serving local natural resource industries, and sales, storage,
- 7 parts and repair of equipment and supplies for natural resource industries;
- 8 (l) Overnight lodging and related services for visitors to the rural area;
- 9 (m) Pre-school;
- 10 (n) Professional offices;
- 11 (o) Retail and wholesale nurseries/greenhouses;
- 12 (p) Small animal clinic/hospital; and
- 13 (q) Small retail and service businesses, including restaurants.
- 14 (3) Administrative Special Uses.
- 15 (a) Expansion of existing major public uses up to 3,000 square feet.
- 16 (b) Large animal clinic/hospital.
- 17 (c) Minor utility developments.
- 18 (d) Parks - specialized recreational facility.
- 19 (e) Personal wireless services towers, subject to SCC 14.16.720.
- 20 (f) Temporary outdoor events.
- 21 (g) Trails and primary and secondary trailheads.
- 22 (4) Hearing Examiner Special Uses.
- 23 (a) Churches.
- 24 (b) Group care facility.
- 25 (c) Major public uses and expansions of existing major public uses, 3,000 square feet
- 26 and greater.
- 27 (d) Major utility developments.
- 28 (e) Storage of unlicensed/inoperable vehicles.
- 29 (5) Dimensional Standards.
- 30 (a) Setbacks:
- 31 (i) Front: 15 feet.
- 32 (ii) Side and rear: None on interior lots adjacent to other commercial
- 33 designations. Adjacent to other land use designations, the side setback
- 34 shall be 8 feet and the rear setback shall be 20 feet.
- 35 (iii) Accessory Structures: Front: 15 feet.
- 36 Side: 15 feet.
- 37 (iv) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
- 38 (b) Maximum Size Limits.
- 39 (i) Except for overnight lodging facilities and fire stations, total gross floor
- 40 area of primary uses shall not exceed 6,000 square feet per parcel.
- 41 (ii) Fire stations shall not exceed 8,000 square feet.
- 42 (iii) Overnight lodging facilities shall not exceed 35 units and shall not exceed
- 43 12,000 square feet of gross floor area per parcel including any related
- 44 commercial services. Operators may not allow any person to occupy
- 45 overnight lodging on the premises for more than 4 months in any year.

- 1 (iv) Storage or other non-commercial uses that are accessory to the permitted
- 2 use, including an owner operator dwelling unit, up to a total of 1,500
- 3 square feet per parcel, shall also be permitted.
- 4 (c) Maximum Height: 30 feet or shall conform to the Skagit County Building Code.
- 5 (i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and
- 6 fire towers are exempt. The height of personal wireless services towers
- 7 are regulated in SCC 14.16.720.
- 8 (d) Maximum Lot Coverage: Gross building area shall not exceed 50% of the lot
- 9 area.
- 10 (6) Pedestrian circulation. Pedestrian walkways shall be provided between parking areas and
- 11 the uses served by that parking. Pedestrian facilities shall be also provided as specified
- 12 by an applicable rural village plan.
- 13 (7) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest
- 14 of the Skagit County Code.

15
16 **14.16.110 Rural Center (RC).**

- 17 (1) Purpose. The Rural Center district recognizes centers or clusters of small retail and
- 18 service businesses which serve a limited area and rural population outside of established
- 19 Urban Growth Areas and Rural Villages as designated by the Comprehensive Plan. Rural
- 20 Centers are intended to serve, to a limited extent, the traveling public at existing
- 21 crossroads.
- 22 (2) Permitted Uses. The following uses that primarily serve the needs of the surrounding
- 23 rural population and visitors to the rural area in areas which are distant from Rural
- 24 Village Commercial districts and other commercial centers:
- 25 (a) Bed and breakfast;
- 26 (b) Caretaker quarters or owner/operator dwelling unit accessory to the primary
- 27 commercial use;
- 28 (c) Community club/grange hall;
- 29 (d) Family day care provider;
- 30 (e) Gas stations;
- 31 (f) Historic sites open to the public;
- 32 (g) Loft living quarters;
- 33 (h) Laundromat;
- 34 (i) Mini-storage;
- 35 (j) Minor public uses;
- 36 (k) Pre-schools;
- 37 (l) Retail and wholesale nurseries/greenhouses; and
- 38 (m) Small retail and service businesses, including restaurants.
- 39 (3) Administrative Special Uses.
- 40 (a) Expansion of existing major public uses up to 3,000 square feet total.
- 41 (b) Minor utility developments.
- 42 (c) Parks - specialized recreational facility.
- 43 (d) Personal wireless services towers, subject to SCC 14.16.720.
- 44 (e) Temporary outdoor events.
- 45 (f) Trails and primary and secondary trailheads.
- 46 (4) Hearing Examiner Special Uses.

- 1 (a) Animal clinic/hospital.
- 2 (b) Churches.
- 3 (c) Group care facility.
- 4 (d) Major public uses and expansions of existing major public uses, 3,000 square feet
- 5 and greater.
- 6 (e) Major utility developments.
- 7 (f) Storage of unlicensed/inoperable vehicles.
- 8 (5) Dimensional Standards.
- 9 (a) Setbacks:
- 10 (i) Front: 35 feet. Where parking is located in front of structure, or on sides,
- 11 55 feet.
- 12 (ii) Side and rear: 20 feet.
- 13 (iii) Accessory Structures: Front: 35 feet.
- 14 Rear: If adjacent to an RVR, RI zone, 20 feet, or
- 15 the height of the back wall of the building, whichever is greater.
- 16 Otherwise, the setback shall be equal to the height of the back wall of the
- 17 building.
- 18 (iv) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
- 19 (b) Maximum Size Limits.
- 20 (i) Retail and service uses, including mini-storage, shall not exceed 3,000
- 21 square feet of gross floor area per establishment, except for fire stations
- 22 which shall not exceed 8,000 square feet, with a maximum of 2
- 23 establishments per parcel. Storage or other non-commercial uses that are
- 24 accessory to the permitted use and do not exceed 50% of the square
- 25 footage of the permitted use up to a total of 1,500 square feet per parcel
- 26 shall also be permitted.
- 27 (c) Maximum Height: Shall conform to the Skagit County Building Code.
- 28 (i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and
- 29 fire towers are exempt. The height of personal wireless services towers
- 30 are regulated in 14.16.720.
- 31 (d) Maximum Lot Coverage: Gross building area shall not exceed 50% of the lot
- 32 area.
- 33 (6) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest
- 34 of the Skagit County Code.

35
36 **14.16.120 Rural Freeway Service (RFS).**

- 37 (1) Purpose. The purpose of the Rural Freeway Services district is to provide for small scale
- 38 commercial uses at certain Interstate 5 freeway interchanges outside of urban growth
- 39 areas as designated by the Comprehensive Plan to serve local populations and the
- 40 traveling public with necessary goods and services.
- 41 (2) Permitted Uses. The following uses that primarily serve the local rural population and
- 42 the traveling public with freeway-oriented goods and services limited to:
- 43 (a) Caretaker quarters or owner/operator dwelling unit accessory to a commercial
- 44 operation;
- 45 (b) Gas and fueling stations and vehicle repair garages;
- 46 (c) Historic sites open to the public;

- 1 (d) Minor public uses;
- 2 (e) Museum;
- 3 (f) Park and ride;
- 4 (g) Restaurants and drive-ins;
- 5 (h) Retail food markets and convenience stores, including farmer's market;
- 6 (i) Tourist information centers; and
- 7 (j) Transit station/stop.
- 8 (3) Administrative Special Uses.
- 9 (a) Billboard.
- 10 (b) Campground, developed.
- 11 (c) Campground, primitive.
- 12 (d) Commercial equipment storage.
- 13 (e) Expansion of existing major public uses up to 3,000 square feet.
- 14 (f) Minor public facilities.
- 15 (g) Minor utility developments.
- 16 (h) Outdoor recreation facility.
- 17 (i) Personal wireless services towers, subject to SCC 14.16.720.
- 18 (j) Retail nurseries and accessory greenhouse.
- 19 (k) Temporary outdoor events.
- 20 (l) Trails and primary and secondary trailheads.
- 21 (4) Hearing Examiner Special Uses.
- 22 (a) Hotel/motels. Hotel/motel buildings shall be no closer than 200 feet from
- 23 agricultural zoned lands.
- 24 (b) Major public uses and expansions of existing major public uses, 3,000 square feet
- 25 and greater.
- 26 (c) Major utility developments.
- 27 (d) Motorized vehicle recreational facility.
- 28 (e) Storage of unlicensed/inoperable vehicles.
- 29 (5) Dimensional Standards.
- 30 (a) Setbacks.
- 31 (i) Front: 35 feet. Where parking is located in front of structure, 55 feet.
- 32 (ii) Side and rear: 35 feet. Where parking is located in front of structure, 55
- 33 feet.
- 34 (iii) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
- 35 (b) Size Limitations.
- 36 (i) A use shall not exceed 6,000 square feet of gross floor area with a
- 37 maximum of 1 establishment per parcel.
- 38 (ii) Retail shall not exceed 4,500 square feet and 1,500 square feet of storage.
- 39 (iii) Overnight lodging facilities shall not exceed 35 units and shall not exceed
- 40 12,000 square feet of gross floor area per parcel including any related
- 41 commercial services. Operators may not allow any person to occupy
- 42 overnight lodging on the premises for more than 4 months in any year.
- 43 Storage or other non-commercial uses that are accessory to a permitted use
- 44 up to a total of 1,500 square feet per parcel shall also be permitted.
- 45 (d) Maximum Height: Shall conform to Skagit County Building Code.

- 1 (e) Maximum Lot Coverage: Gross building area shall not exceed 25% of the lot
2 area.
3 (6) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest
4 of the Skagit County Code.
5

6 **14.16.130 Small Scale Recreation and Tourism (SRT).**

7 (1) Purpose. This district provides for small scale recreational and tourist uses that make
8 available opportunities to diversify the economy of rural Skagit County by utilizing, in an
9 environmentally sensitive manner, the County's abundant recreational opportunities and
10 scenic and natural amenities.

11 (2) Permitted Uses.

12 (a) Bed and breakfast.

13 (b) Cabins and other forms of overnight lodging that are rural in scale. New
14 residential development shall not be permitted. New residential development
15 includes the subdivision or sale of land for year-round or second-home residential
16 housing that is owner-occupied or rented. Lodging operators may not allow any
17 person to occupy overnight lodging on the premises for more than 4 months in
18 any year.

19 (c) Campground, destination.

20 (d) Campground, developed.

21 (e) Campground, primitive.

22 (f) Commercial boathouses.

23 (g) Commercial facilities, such as restaurants and small retail shops, if they serve the
24 primary recreational or tourist use.

25 (h) Conference center.

26 (i) Display gardens.

27 (j) Grange/community center.

28 (k) Historic sites open to the public.

29 (l) Institutional camps.

30 (m) Marinas with less than 20 slips.

31 (n) Off-road vehicle park.

32 (o) Outdoor Outfitters Enterprises.

33 (p) Outdoor recreation facilities.

34 (q) Outdoor recreational equipment rental and/or guide services.

35 (r) Parks - community.

36 (s) Recreational, cultural or religious retreats (non-residential).

37 (t) Stables/riding clubs.

38 (u) Trails and primary and secondary trailheads.

39 (3) Accessory Uses.

40 (a) Office use, accessory to the primary permitted use.

41 (b) Owner operator dwelling unit.

42 (4) Administrative Special Uses.

43 (a) Expansion of existing major public uses up to 3,000 square feet.

44 (b) In remote areas only, such as east of Concrete and on saltwater islands without
45 ferry service, employee housing sufficient to operate the SRT operation.

46 (c) Kennels.

- 1 (d) Minor public uses.
- 2 (e) Minor utility developments.
- 3 (f) Parks - specialized recreational facility.
- 4 (g) Retail nurseries/greenhouses.
- 5 (h) Temporary outdoor events.
- 6 (5) Hearing Examiner Special Uses.
- 7 (a) Animal preserve.
- 8 (b) Festival sites.
- 9 (c) Impoundments greater than 1-acre feet in size.
- 10 (d) Major public uses and expansions of existing major public uses, 3,000 square feet
- 11 and greater.
- 12 (e) Major utility developments.
- 13 (f) Marinas with greater than 20 slips.
- 14 (g) Personal wireless services towers, subject to SCC 14.16.720.
- 15 (h) Racetrack - recreational.
- 16 (i) Shooting clubs, indoor and outdoor.
- 17 (j) Storage of unlicensed/inoperable vehicles.
- 18 (6) Dimensional Standards.
- 19 (a) Setbacks:
- 20 (i) Front: 35 feet. Where parking is located in the front or sides of a
- 21 structure, 55 feet.
- 22 (ii) Side and rear: 35 feet.
- 23 (iii) Accessory: Front: 35 feet.
- 24 Rear/Side: 35 feet.
- 25 (iv) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
- 26 (b) Maximum Size Limits.
- 27 (i) The maximum number of acres that may be devoted to the built
- 28 environment within an SRT designation is 20 acres of contiguous
- 29 developable land. Additional land may be associated with an SRT-
- 30 designated area provided it remains substantially undeveloped and used
- 31 for passive recreation purposes only.
- 32 (ii) The maximum number of units of overnight lodging is 35 units of built
- 33 lodging (meaning fixed or mobile structures). This limit does not apply to
- 34 the number of camping sites or recreational vehicle hook-ups within a
- 35 campground or resort.
- 36 (iii) Retail and service uses shall not exceed 3,000 square feet of gross floor
- 37 area per establishment with not more than 2 establishments in any
- 38 contiguous zoned SRT district. Storage or other uses that are accessory to
- 39 the permitted use and do not exceed 50% of the square footage of the
- 40 permitted use or a total of 1,500 square feet for any contiguous zoned SRT
- 41 district shall also be permitted.
- 42 (c) Maximum Height: 30 feet or shall conform to the Skagit County Building Code.
- 43 (i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and
- 44 fire towers are exempt. The height of personal wireless services towers
- 45 are regulated in SCC 14.16.720.
- 46 (d) Maximum Lot Coverage: Gross building area shall not exceed 5% of the lot area.

1 (7) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest
2 of the Skagit County Code.

3
4 **14.16.140 Cottage Industry/Small Scale Business (CSB).**

5 (1) Purpose. The Cottage Industry/Small Scale Business zoning district supports existing
6 and new small scale business and cottage industries, that are not principally designed to
7 serve the existing and projected rural population and non-residential uses, but that do
8 enhance rural economic development opportunities and job opportunities for rural
9 residents.

10 (2) Permitted Uses. The following small scale commercial or industrial uses that provide job
11 opportunities for rural residents, but are not principally designed to serve the existing and
12 projected rural population, limited to:

- 13 (a) Historic sites open to the public;
- 14 (b) Production, repair and servicing of specialized tools and equipment;
- 15 (c) Provision of services, including professional, management, consulting,
16 construction, and repair services;
- 17 (d) Retail sales, limited to products produced on site or which are accessory to
18 products produced on site; and
- 19 (e) Small-scale production or manufacture of products and goods, including food
20 products, furniture, apparel, artwork, metal products, and wood products.

21 (3) Accessory Uses.

- 22 (a) Caretaker quarters or owner/operator dwelling unit.

23 (4) Administrative Special Uses.

- 24 (a) Expansion of existing public uses up to 3,000 square feet.
- 25 (b) Minor public uses.
- 26 (c) Minor utility developments.
- 27 (d) Retail nurseries/greenhouses.
- 28 (e) Temporary outdoor events.
- 29 (f) Trails and primary and secondary trailheads.

30 (5) Hearing Examiner Special Uses.

- 31 (a) Major public uses and expansions of existing major public uses, 3,000 square feet
32 and greater.
- 33 (b) Major utility developments.
- 34 (c) Personal wireless services towers, subject to SCC 14.16.720.
- 35 (d) Storage of unlicensed/inoperable vehicles.

36 (6) Dimensional Standards.

- 37 (a) Setbacks:
 - 38 (i) Front: 35 feet, 55 feet if off-street parking is in front or sides of a
39 structure.
 - 40 (ii) Side: None on interior lots; 20 feet on a street right-of-way; 35 feet on
41 corner lots.
 - 42 (iii) Rear: 35 feet adjacent to RVR, RI or Agricultural zones.
 - 43 (iv) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
- 44 (b) Accessory: Same as principal structures.
- 45 (c) Maximum Size Limits.

- 1 (i) Permitted uses shall not exceed 10,000 square feet of gross floor area with
2 a maximum of 1 establishment per parcel.
- 3 (ii) Uses shall have no more than 20 full-time equivalent (FTE) on-site
4 employees. This limitation does not apply to off-site employees. For the
5 purposes of this Subsection, "FTE" on-site employee shall mean an
6 employee that visits the site more than 2 times per week, including solely
7 for purposes of vehicle transfer and shall be calculated over the course of a
8 full year, based on a full-time equivalent of 40 hours per week, 50 weeks
9 per year. Seasonal employee full-time equivalents shall be determined by
10 multiplying the number of seasonal employees times the total hours
11 worked per employee per season, divided by 2,000 hours (40 hours times
12 50 weeks).
- 13 (d) Maximum Height: 30 feet or shall conform to the Skagit County Building Code.
- 14 (i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and
15 fire towers are exempt. The height of personal wireless services towers
16 are regulated in SCC 14.16.720.
- 17 (e) Maximum Lot Coverage: 25%.
- 18 (7) Special Provisions.
- 19 (a) All proposed CSB uses shall comply with the following:
- 20 (i) All structures and outside activities shall be so located or screened from
21 adjacent properties to avoid disturbance through glare, shading, noise, dirt
22 or other nuisances or hazards.
- 23 (ii) No petroleum pumps or aboveground petroleum storage shall be closer
24 than 30 feet from any street right-of-way.
- 25 (iii) All development proposals within the CSB district shall include a plan,
26 which shall be reviewed by and acceptable to the Planning and Permit
27 Center. This plan shall diagram and explain how open areas shall be
28 maintained during and after construction to avoid sewage, drainage and
29 dust nuisances to adjacent properties, uses, and critical areas. The plan
30 shall also demonstrate how existing easement rights or other property
31 ownership interests in the property are protected.
- 32 (iv) All open portions of any lot shall have adequate grading and drainage
33 consistent with the requirements of SCC 14.32. Non-accessory residential
34 uses are prohibited.
- 35 (v) Impacts of the use on the off-site road system shall be mitigated,
36 particularly with regard to the impacts of trucks on substandard roads
37 between the site and the arterial system.
- 38 (8) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest
39 of the Skagit County Code.

40

41 **14.16.150 Rural Business (RB).**

- 42 (1) Purpose. The Rural Business zone is intended to provide reasonable expansion and
43 change of use opportunities for existing isolated nonresidential uses in the rural area that
44 provide job opportunities for rural residents and that are not consistent with the other
45 commercial and industrial Comprehensive Plan designations and zoning districts.
- 46 (2) Permitted Uses.

- 1 (a) Continuation of an existing commercial use.
- 2 (b) Subject to an Administrative Decision, a change of use from the existing use to a
- 3 use which is substantially similar to the existing use in terms of the type of
- 4 commercial activity performed. A substantially similar use shall fall within the
- 5 same broad use category as the existing use (retail, service, restaurant, or
- 6 manufacturing), shall generate equal or less traffic as the existing use, and shall
- 7 continue the same basic operational characteristics as the existing use (for
- 8 example, a change of use from a convenience store to a gas station would not be
- 9 permitted, but a change from a convenience store to a video store would).
- 10 (c) A use designated Rural Business may expand, subject to the following:
- 11 Expansion is limited to a maximum of 50% of the existing building footprint
- 12 provided that the total expansion does not exceed a total of 1,500 square feet of
- 13 gross floor area and/or 50% of the existing outdoor working area. The total
- 14 square footage of allowable expansion is determined on a one-time basis, based
- 15 on the area of use as of June 1, 1997. The expansion must occur on the same lot
- 16 upon which the existing use is located.
- 17 (d) Owner/operator dwelling as accessory to a business use.
- 18 (3) Administrative Special Uses.
- 19 (a) Expansion of existing major public uses up to 3,000 square feet.
- 20 (b) Minor public uses.
- 21 (c) Minor utility developments.
- 22 (d) Personal wireless services towers, subject to SCC 14.16.720.
- 23 (e) Temporary outdoor events.
- 24 (4) Hearing Examiner Special Uses.
- 25 (a) Major public uses and expansions of existing major public uses, 3,000 square feet
- 26 and greater.
- 27 (b) Major utility developments.
- 28 (c) Storage of unlicensed/inoperable vehicles.
- 29 (d) With an approved Hearing Examiner Special Use Permit, a use designated Rural
- 30 Business which was established prior to July 1, 1990, may be expanded beyond
- 31 the 1,500 square foot limit established in SCC 14.16.150(2)(c), provided that the
- 32 50% maximums of that Subsection are met and the following criteria are met:
- 33 (i) The expansion will occur on the same lot upon which the existing use is
- 34 located;
- 35 (ii) The expansion is visually compatible with the surrounding neighborhood
- 36 and rural area;
- 37 (iii) Detrimental impacts to adjacent properties or to existing easement rights
- 38 on the property will not be increased or intensified;
- 39 (iv) The expansion does not result in a formerly small operation dominating
- 40 the area;
- 41 (v) The expansion will not constitute new urban growth in the rural area,
- 42 except that uses may utilize urban services that are historically already
- 43 available to the site; and
- 44 (vi) Public services and facilities are limited to those necessary to serve the
- 45 isolated non-residential use and are provided in a manner that does not
- 46 permit low density sprawl.

1 The Applicant shall have the burden of proof in demonstrating that the use was
2 established prior to July 1, 1990.

3 (e) A Hearing Examiner special use permit is required to change from one use to
4 another use when SCC 14.16.150(2)(b) does not apply. The Hearing Examiner
5 shall not grant a special use permit if he/she determines that the change of use
6 would:

- 7 (i) Result in a substantially increased impact on any one of the following
8 criteria; or
9 (ii) Result in smaller impacts across a number of criteria that combined, result
10 in a substantially increased overall impact. Information in parentheses
11 defines "substantial impact" for that particular measure.
- 12 a) Traffic generation (more than 10% increase in vehicle trips per day
13 = substantial increase).
 - 14 b) Parking requirements (the need to expand existing parking
15 facilities or the likelihood that parking would flow over to adjacent
16 roads or properties = substantial increase).
 - 17 c) Hours of operation (10% increase in hours of operation, or any
18 measurable increase in evening and weekend hours = substantial
19 increase).
 - 20 d) Visitors/customers visiting the site (10% increase in visitors to the
21 site = substantial increase).
 - 22 e) Need for expanded septic, sewer, water, power, or other services.
 - 23 f) Need for increased infrastructure, such as road widening or access
24 improvements.
 - 25 g) Noise, light, glare and related impacts from business operations on
26 adjacent properties.
 - 27 h) Detrimental impacts on productive use of surrounding natural
28 resource lands.
 - 29 i) Detrimental impacts to surrounding critical areas.
 - 30 j) Change to the visual character of the structure or property that
31 would significantly and negatively affect the visual character of the
32 surrounding rural area.
 - 33 k) Be inconsistent with an applicable community development plan,
34 if one has been adopted.
- 35 (iii) Any use requiring the installation or extension of urban services, including
36 sewer and storm water, would be considered an urban use rather than a
37 rural use and would be disqualified.
- 38 (iv) A new use may take advantage of the one-time expansion opportunity
39 provided to existing RB uses, provided it satisfies the expansion criteria in
40 the Comprehensive Plan and development regulations. However, a
41 change to a new use does not create any new expansion opportunities or
42 rights.

43 (5) Dimensional Standards.

44 (a) Setbacks:

- 45 (i) Front: 35 feet, where parking is located in front of structure or on sides,
46 55 feet.

- 1 (ii) Side and rear: 35 feet.
- 2 (iii) Accessory: Front: 35 feet.
- 3 Side and Rear: 35 feet.
- 4 (iv) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
- 5 (b) Maximum height: 30 feet or shall conform to the Skagit County Building Code.
- 6 (i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and
- 7 fire towers are exempt. The height of personal wireless services towers
- 8 are regulated in SCC 14.16.720.
- 9 (c) Maximum Lot Coverage: Gross building area shall not exceed 50% of the lot
- 10 area.
- 11 (6) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest
- 12 of the Skagit County Code.
- 13

14 **14.16.160 Natural Resource Industrial (NRI).**

- 15 (1) Purpose. Natural resource related industrial uses that are commonly accepted in the rural
- 16 area which facilitate the production of agricultural, forest, and aquatic products are
- 17 permissible in the NRI zoning classification. This zoning designation allows related
- 18 processing facilities, limited direct resource sales and limited natural resource support
- 19 services that support local natural resource activities and which are not detrimental to the
- 20 natural resource base in the long term.
- 21 (2) Permitted Uses.
- 22 (a) Uses related to agriculture including, but not limited to:
- 23 (i) Agricultural implement sales.
- 24 (ii) Agricultural processing facilities.
- 25 (iii) Animal clinic/hospital.
- 26 (iv) Cold storage.
- 27 (v) Commercial composting.
- 28 (vi) Fabrication of farm related items.
- 29 (vii) Farm management services.
- 30 (viii) Farm product processing.
- 31 (ix) Fertilizer manufacturing.
- 32 (x) Irrigation systems sales, repair and storage.
- 33 (xi) Livestock auction facility.
- 34 (xii) Sale of agriculture products produced in the agricultural area.
- 35 (xiii) Sorting and storage of agricultural products.
- 36 (xiv) Stockyards less than 40 acres or slaughterhouse.
- 37 (xv) Storage and distribution of animal feeds, fertilizers, pesticides and seed.
- 38 (xvi) Wholesale nurseries/greenhouses.
- 39 (b) Uses related to forestry including, but not limited to:
- 40 (i) Fabrication of forestry related items;
- 41 (ii) Forest industry storage and maintenance facility;
- 42 (iii) Forestry management services and forest industry support services.
- 43 (iv) Log scaling station;
- 44 (v) Manufacturing wood containers and products;

- 1 (vi) Operation of sawmills, chippers, shake and shingle mills, scaling stations,
2 log dumps and sorting areas, forest industry equipment maintenance,
3 buildings and storage yards, and forest industry residue dumping areas;
4 (vii) Prefabricated wood building and components; and
5 (viii) Wood waste recycling.
- 6 (c) Uses related to aquatic resources including, but not limited to, the following:
7 (i) Fabrication, maintenance, and repair of equipment, vessels, and structures
8 associated with aquatic natural resource industries;
9 (ii) Management and propagation of fish and wildlife;
10 (iii) Seafood processing and accessory on-site sales;
11 (iv) Shellfish processing and accessory on-site sales;
12 (v) Treatment and bottling of water for commercial sales; and
13 (vi) Upland fish farm.
- 14 (d) Historic sites open to the public.
15 (e) Minor public uses.
- 16 (3) Accessory Uses. The following uses are an accessory use to a permitted or special use.
17 All accessory uses may only be used to serve the on-site primary permitted natural
18 resource industrial use:
19 (a) Caretaker or owner/operator dwelling unit;
20 (b) Explosives storage for use on NRL lands;
21 (c) Industrial vehicle storage facility for vehicles which only serve natural resource
22 industries;
23 (d) Metal working shop for the maintenance and repair of equipment used by the
24 primary permitted natural resource industrial use;
25 (e) On-site hazardous waste storage and treatment facilities as an accessory use to a
26 permitted or special use;
27 (f) Offices in conjunction with the permitted use;
28 (g) Retail sales of finished timber products; and
29 (h) Retail nurseries/greenhouses.
- 30 (4) Administrative Special Uses.
31 (a) Expansion of existing major public uses up to 3,000 square feet.
32 (b) Minor utility developments.
33 (c) Outdoor storage of materials in quantities greater than 50 cubic yards that may
34 have a potential health hazard (for example, animal carcasses). Does not include
35 storage of hazardous materials.
36 (d) Outdoor storage of processed and unprocessed natural materials in quantities
37 greater than 500 cubic yards that do not have a potential health hazard.
38 (e) Storage of unlicensed/inoperable vehicles.
39 (f) Temporary outdoor events.
40 (g) Trails and primary and secondary trailheads.
- 41 (5) Hearing Examiner Special Uses.
42 (a) Billboards.
43 (b) Home Based Business 2.
44 (c) Major public uses and expansions of existing major public uses, 3,000 square feet
45 and greater.
46 (d) Major utility developments.

- 1 (e) Permanent or temporary asphalt or concrete batching and recycling.
- 2 (f) Petroleum products and gas storage – bulk.
- 3 (g) Personal wireless services towers, subject to SCC 14.16.720.
- 4 (h) Stockyards greater than 40 acres.
- 5 (6) Dimensional Standards.
- 6 (a) Front, Side and Rear Setbacks: All uses on the property (except landscaping,
- 7 open space, and driveways without parking) shall be setback a minimum of 50
- 8 feet from the property boundary, and edges of existing and planned public right-
- 9 of-ways.
- 10 (b) Special Setbacks: Explosive storage, on-site hazardous waste storage and
- 11 treatment facilities, and petroleum products and gas bulk storage shall be setback
- 12 a minimum of 300 feet from the property boundary, and edges of existing and
- 13 planned public right-of-ways.
- 14 (c) Maximum Size Limits. The maximum size for a contiguous NRI district is 40
- 15 acres unless adjacent to a UGA. The maximum gross floor area for all buildings,
- 16 except greenhouses, in a NRI District is 15% of total lot area for NRI Districts
- 17 adjacent to UGAs, Rural Villages, or Rural Centers and 10% of total lot area if
- 18 not adjacent to a UGA, Rural Village, or Rural Center. Maximum gross floor
- 19 area for greenhouses shall be 70, so long as all other requirements of the Skagit
- 20 County Code are met.
- 21 (d) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
- 22 (e) Maximum Height: Shall conform to the Skagit County Building Code.
- 23 (i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and
- 24 fire towers are exempt. The height of personal wireless services towers
- 25 are regulated in SCC 14.16.720.
- 26 (7) Special Provisions.
- 27 (a) All sides of a proposed NRI use adjacent to a Rural Village shall comply with the
- 28 following:
- 29 (i) All structures and outside activities shall be so located or screened from
- 30 adjacent properties to avoid disturbance through glare, shading, noise, dirt
- 31 or other nuisances or hazards;
- 32 (ii) No petroleum pumps or above-ground petroleum storage shall be closer
- 33 than 30 feet from any street right-of-way; and
- 34 (iii) All development proposals within the Natural Resource Industrial district
- 35 shall include a plan, which shall be reviewed by and acceptable to the
- 36 Planning and Permit Center. This plan shall diagram and explain how
- 37 open areas shall be maintained during and after construction to avoid
- 38 sewage, drainage and dust nuisances to adjacent properties, uses, and
- 39 critical areas. The plan shall also demonstrate how existing easement
- 40 rights or other property ownership interests in the property are protected.
- 41 (b) All open portions of any lot shall have adequate grading and drainage consistent
- 42 with the requirements of SCC 14.32.
- 43 (c) Impacts of the use on the off-site road system shall be mitigated, particularly with
- 44 regard to the impacts of trucks on substandard roads between the site and the
- 45 arterial system.

- 1 (8) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest
2 of the Skagit County Code.
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4 **14.16.170 Rural Marine Industrial (RMI).**

- 5 (1) Purpose. The Rural Marine Industrial zoning district is intended to recognize existing
6 rural marine industrial facilities and to permit water and shoreline dependent or related
7 marine industrial activities in Skagit County, and provide limited expansion opportunities
8 and limited changes of use.

9 (2) Permitted Uses.

- 10 (a) Activities related to seaplane storage, moorage, testing, repair, fabrication,
11 loading, and offloading.
12 (b) Fabrication, construction, maintenance, repair, storage, testing, and outfitting of
13 products, equipment, vessels, and structures used in, directly related to, or
14 supporting marine industry and commerce.
15 (c) Historic sites open to the public.
16 (d) Personal wireless services towers, subject to SCC 14.16.720.
17 (e) Retail sales and rental of marine-related and water-dependent products consisting
18 of, but not limited to, vessels, marine hardware, and marine structures.
19 (f) Waterborne commerce and shore/water transfer of marine related and raw natural
20 resource materials.

21 (3) Accessory Uses.

- 22 (a) Caretaker quarters or owner/operator dwelling unit.
23 (b) Moorage of marine vessels and structures associated with a permitted use.

24 (4) Hearing Examiner Special Uses.

- 25 (a) Marinas.

26 (5) Dimensional Standards.

- 27 (a) Front, Side and Rear Setbacks: All uses on the property (except landscaping,
28 open space, and driveways without parking) shall be setback a minimum of 50
29 feet from the property boundary, and edges of existing and planned public rights-
30 of-way.
31 (b) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
32 (c) Maximum Height: Shall conform to the Skagit County Building Code.
33 (i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and
34 fire towers are exempt. The height of personal wireless services towers
35 are regulated in SCC 14.16.720.
36 (d) Maximum Lot Coverage and Impervious Surface Limit: Maximum lot coverage
37 and impervious surface shall be limited to the following square footages, based on
38 the acreage of the contiguous RMI zoned area. If after adoption of this Chapter,
39 additional parcels are re-zoned to RMI, which are contiguous, and in separate
40 ownership, these parcels may utilize the square footage outlined below for each
41 separate ownership. If an RMI parcel is adjacent to a designated Rural Village,
42 these limits may be modified based on an applicable adopted Rural Village Plan.
43

RMI Zoned Area, Acreage	Maximum Lot Coverage, Square Feet	Maximum Impervious Surface, Square Feet
1 or less	10,000	30,000
2 or less	16,000	48,000
3 or less	23,000	69,000
4 or less	29,000	87,000
5 or less	35,000	105,000
6 or less	41,000	123,000
7 or less	48,000	144,000
8 or less	54,000	162,000
9 or less	60,000	180,000
10 or less	66,000	198,000
12.5 or less	80,000	240,000
15 or less	100,000	300,000
20 or less	115,000	345,000
25 or less	130,000	390,000
30 or less	150,000	450,000

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(6) Special Provisions.

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(a) All sides of proposed RMI uses or expansions of use shall comply with the following:

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(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;

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(ii) No petroleum pumps or above ground petroleum storage shall be closer than 15 feet from any street right-of-way; and

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(iii) All development proposals within the Rural Marine 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.

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(b) Non-accessory residential uses are prohibited.

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(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.

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(d) All proposed uses shall be reviewed for consistency with the State Shoreline Management Act and the Skagit County Shoreline Management Master Program.

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(7) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.

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14.16.180 Bayview Ridge Industrial (BR-I).

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(1) Purpose. The purpose of the Bayview Ridge Industrial zone is to allow light manufacturing, limited commercial uses, wholesale, warehousing, distribution and

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1 storage, equipment storage and repair, and other uses compatible with a light
2 manufacturing district.

3 (2) Permitted Uses.

- 4 (a) Agricultural uses, on an interim basis until industrial development; provided that
5 residences shall not be allowed as a principal use.
- 6 (b) Commercial uses, including offices, but excluding retail uses such as the sales of
7 goods or services, except that incidental retail sales and services are permitted as
8 accessory uses under Subsection (4), below.
- 9 (c) Historic sites open to the public.
- 10 (d) Manufacture, processing, treatment, storage, fabrication, assembly or packaging
11 of any product from natural or synthetic materials.
- 12 (e) Off-premises sign.
- 13 (f) Personal wireless services towers, subject to SCC 14.16.720.
- 14 (g) Repair and storage facilities for equipment, including heavy equipment, marine
15 equipment, boats, airplanes and trucks.
- 16 (h) Research, development and testing facilities.
- 17 (i) Warehousing, distribution and storage facilities not open to retail customers.
- 18 (j) Retail and wholesale nurseries/greenhouses.

19 (3) Limitations on Permitted Uses in BR-I. Permitted uses shall not include uses that meet
20 the criteria for an additional special use permit in the BR-HI zone, SCC 14.16.190(6),
21 except if the use meets the criteria for continuation and expansion of an existing non-
22 conforming use, as follows. Any existing use currently in operation or for which a
23 complete building permit application has been filed on or before January 23, 1998, shall
24 be allowed to continue, and to expand consistent with the development standards in SCC
25 14.16.190(6), below for any expansion, to the limits of the boundaries of the legal lot of
26 record that the use is located on, as that legal lot of record exists as of the date of this
27 Ordinance, provided that any expansion shall require a Hearing Examiner Special Use
28 Permit.

29 (4) Accessory Uses.

- 30 (a) Caretaker's quarters.
- 31 (b) Eating and drinking establishments serving facilities and employees located in the
32 Bayview Ridge UGA.
- 33 (c) Incidental retail sales of products manufactured, processed, or assembled on-site.
- 34 (d) On-site recreational facilities.
- 35 (e) Outdoor storage of processed and unprocessed natural materials, waste materials
36 or other similar materials used in conjunction with a permitted, accessory or
37 special uses in quantities that total less than 500 cubic yards.

38 (5) Administrative Special Uses.

- 39 (a) Expansion of existing major public uses up to 3,000 square feet.
- 40 (b) Minor public uses.
- 41 (c) Minor utility developments.
- 42 (d) Outdoor storage of materials in quantities greater than 50 cubic yards that may
43 have a potential health hazard (for example, animal carcasses). Does not include
44 storage of hazardous materials.
- 45 (e) Outdoor storage of processed and unprocessed natural materials in quantities
46 greater than 500 cubic yards that do not have a potential health hazard.

- 1 (f) Temporary asphalt/concrete batching.
 2 (g) Temporary outdoor events.
 3 (h) Trails and primary and secondary trailheads.
 4 (6) Hearing Examiner Special Uses.
 5 (a) Adult entertainment.
 6 (b) Auto wrecking.
 7 (c) Billboards.
 8 (d) Major public uses and expansions of existing major public uses, 3,000 square feet
 9 and greater.
 10 (e) Major utility developments.
 11 (f) On-site hazardous waste treatment and storage facilities that are an accessory use
 12 to an otherwise permitted use on the site, provided such facilities comply with the
 13 State Hazardous Waste Siting Standards and County and State Environmental
 14 Policy Act requirements.
 15 (g) Recreational racetracks.
 16 (h) Salvage yards.
 17 (i) Storage of unlicensed and/or inoperable vehicles.
 18 (j) Structures greater than 40 feet in height.
 19 (7) Dimensional Standards.
 20 (a) Setbacks:
 21 (i) Front: 35 feet.
 22 (ii) Side: None if adjacent to other commercial/industrial zoning designations,
 23 and 35 feet if adjacent to other zoning designations
 24 (iii) Rear: None where the rear yard is on the airfield side of the building. In
 25 other cases, a distance of up to a maximum of 35 feet except when said
 26 rear line abuts a BR-I, BR-HI or NRI zone. Setbacks shall then be a
 27 minimum of 35 feet.
 28 (iv) Accessory: Same as principal buildings. Canopies or gasoline pumps
 29 may be setback within 15 feet from the street right-of-way.
 30 (v) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
 31 (b) Maximum Height: Structures that exceed 40 feet in height shall be considered a
 32 Hearing Examiner Special Use unless otherwise exempt from this provision.
 33 (i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and
 34 fire towers are exempt. The height of personal wireless services towers
 35 are regulated in SCC 14.16.720.
 36 (8) Buffering of Industrial and Non-industrial Land: A substantially sight-obscuring buffer
 37 shall be required on any industrially designated land located adjacent to non-industrially
 38 designated land as a condition of any industrial development approval on that land.
 39 Provisions for a substantially sight obscuring buffer on any non-industrially designated
 40 land adjacent to industrially-designated land shall be required as a condition of any
 41 proposed CaRD development on that non-industrially designated land. The requirement
 42 for the sight obscuring buffer shall pertain to the first of the adjacent industrial/non-
 43 industrial parcels described above to develop, and if such a buffer already exists between
 44 adjacent industrial/non-industrial parcels, duplication of such buffer is not required. For
 45 purposes of this Subsection, "adjacent" includes lands separated only by a road or
 46 easement.

1 (9) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest
2 of the Skagit County Code.
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4 **14.16.190 Bayview Ridge Heavy Industrial (BR-HI).**

5 (1) Purpose. The purpose of the Bayview Ridge Heavy Industrial zone is to allow for
6 industrial developments that have the potential for more than a minimal level of
7 disturbance to adjacent properties.

8 (2) Permitted uses.

9 (a) Agricultural uses, on an interim basis until industrial development; provided that
10 residences shall not be allowed as a principal use.

11 (b) Commercial uses, including offices, but excluding retail uses such as the sales of
12 goods or services, except that incidental retail sales and services are permitted as
13 accessory uses under Subsection (3) below.

14 (c) Historic site open to the public.

15 (d) Manufacture, processing, treatment, storage, fabrication, assembly or packaging
16 of any product from natural or synthetic materials.

17 (e) Off-premises sign.

18 (f) Other light industrial uses not already described above.

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

20 (h) Repair and storage facilities for equipment, including heavy equipment, marine
21 equipment, boats, airplanes and trucks.

22 (i) Research, development and testing facilities.

23 (j) Warehousing, distribution and storage facilities not open to retail customers.

24 (3) Accessory Uses.

25 (a) Caretaker's quarters

26 (b) Eating and drinking establishments serving facilities and employees located in the
27 Bayview Ridge Interim UGA.

28 (c) Incidental retail sales of products manufactured, processed, or assembled on-site.

29 (d) On-site day care.

30 (e) On-site hazardous waste treatment and storage facilities that are an accessory use
31 to an otherwise permitted use on the site, provided such facilities comply with the
32 State Hazardous Waste Siting Standards and County and State Environmental
33 Policy Act requirements.

34 (f) On-site recreational facilities.

35 (g) Outdoor storage of processed and unprocessed natural materials, waste materials
36 or other similar materials used in conjunction with a permitted, accessory, or
37 special uses in quantities that total less than 500 cubic yards.

38 (4) Administrative Special Uses.

39 (a) Expansion of existing major public uses up to 3,000 square feet.

40 (b) Minor public uses.

41 (c) Minor utility developments.

42 (d) Outdoor storage of materials in quantities greater than 50 cubic yards that may
43 have a potential health hazard (for example, animal carcasses). Does not include
44 storage of hazardous materials.

45 (e) Outdoor storage of processed and unprocessed natural materials in quantities
46 greater than 500 cubic yards that do not have a potential health hazard.

- 1 (f) Temporary outdoor event.
- 2 (g) Trails and primary and secondary trailheads.
- 3 (5) Hearing Examiner Special Uses.
- 4 (a) Adult entertainment.
- 5 (b) Auto wrecking.
- 6 (c) Billboards.
- 7 (d) Major public uses and expansions of existing major public uses, 3,000 square feet
- 8 and greater.
- 9 (e) Major utility developments.
- 10 (f) On-site hazardous waste treatment and storage facilities that are an accessory use
- 11 to an otherwise permitted use on the site, provided such facilities comply with the
- 12 State Hazardous Waste Siting Standards and County and State Environmental
- 13 Policy Act requirements.
- 14 (g) Recreational racetracks.
- 15 (h) Salvage yards.
- 16 (i) Storage of unlicensed and/or inoperable vehicles.
- 17 (j) Structures greater than 40 feet in height.
- 18 (6) Additional Special Uses in Heavy Industrial Overlay. The following additional special
- 19 uses shall be permitted, subject to a Hearing Examiner review and recommendation,
- 20 provided that the Hearing Examiner must find that the proposed special use on-site
- 21 operations do not pose any demonstrable threat of contamination to the adjacent AG-
- 22 NRL designated lands, provided that all other applicable local, State and Federal
- 23 regulations regarding environmental disturbance are met, and provided that permanent
- 24 land disposal of hazardous waste, oil refinery, mineral smelting and other similar
- 25 operations shall not be allowed:
- 26 (a) All uses classified as a Group H occupancies as specified under Section 301 of the
- 27 Uniform Building Code.
- 28 (b) On-site and off-site hazardous waste treatment and storage facilities that are a
- 29 principle use of the property are permitted provided that such facilities comply
- 30 with the State Hazardous Waste Siting standards and County and State
- 31 Environmental Policy Act requirements; and
- 32 (c) Solid waste processing, recycling and transfer facilities.
- 33 (7) Dimensional Standards.
- 34 (a) Setbacks:
- 35 (i) Front: 35 feet.
- 36 (ii) Side: None if adjacent to other commercial/industrial zoning designations,
- 37 and 35 feet if adjacent to other zoning designations.
- 38 (iii) Rear: None where the rear yard is on the airfield side of the building. In
- 39 other cases, a distance of up to a maximum of 35 feet except when said
- 40 rear line abuts a BR-I, BR-HI or NRI zone. Setbacks shall then be a
- 41 minimum of 35 feet.
- 42 (iv) Accessory: Same as principal buildings. Canopies or gasoline pumps
- 43 may be setback 15 feet from the street right-of-way.
- 44 (v) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
- 45 (b) Maximum Height: Structures that exceed 40 feet in height shall be considered a
- 46 Hearing Examiner Special Use unless otherwise exempt from this provision.

- 1 (i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and
2 fire towers are exempt. The height of personal wireless services towers
3 are regulated in SCC 14.16.720.
- 4 (8) Buffering of Industrial and Non-industrial Land: A substantially sight-obscuring buffer
5 shall be required on any industrially designated land located adjacent to non-industrially
6 designated land as a condition of any industrial development approval on that land.
7 Provisions for a substantially sight-obscuring buffer on any non-industrially designated
8 land adjacent to industrially-designated land shall be required as a condition of any
9 proposed CaRD development on that non-industrially designated land. The requirement
10 for the sight obscuring buffer shall pertain to the first of the adjacent industrial/non-
11 industrial parcels described above to develop, and if such a buffer already exists between
12 adjacent industrial/non-industrial parcels, duplication of such buffer is not required. For
13 purposes of this Subsection, "adjacent" includes lands separated only by a road or
14 easement.
- 15 (9) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest
16 of the Skagit County Code.

17
18 **14.16.200 Aviation Related (AVR).**

- 19 (1) Purpose. The purpose of the Aviation Related district is to provide a place for regional
20 airfields and uses which require proximity and access to an established airfield. Land
21 designated as AVR should be located adjacent and accessible to airport terminals, hangar
22 areas, taxiways, and related facilities. Federal Aviation Administration regulations and
23 the applicable Airport Master Plan for the airport facility under review further restrict
24 building and site development within the AVR zone.
- 25 (2) Permitted Uses.
- 26 (a) Historic sites open to the public.
- 27 (b) Regional airfields.
- 28 (c) Uses accessory or related to aviation.
- 29 (d) Uses that require or utilize aviation access and those that serve the aviation
30 industry and/or air passengers.
- 31 (3) Administrative Special Uses.
- 32 (a) Expansion of existing major public uses up to 3,000 square feet.
- 33 (b) Minor public uses.
- 34 (c) Minor utility developments.
- 35 (d) Temporary outdoor events.
- 36 (e) Trails and primary and secondary trailheads.
- 37 (4) Hearing Examiner Special Uses.
- 38 (a) Billboards.
- 39 (b) Major public uses and expansions of existing major public uses, 3,000 square feet
40 and greater.
- 41 (c) Major utility developments.
- 42 (d) Outdoor storage of materials in quantities greater than 50 cubic yards that may
43 have a potential health hazard (for example, animal carcasses). Does not include
44 storage of hazardous materials.
- 45 (e) Outdoor storage of processed and unprocessed natural materials in quantities
46 greater than 500 cubic yards that do not have a potential health hazard.

- 1 (f) Personal wireless services towers, subject to SCC 14.16.720.
- 2 (g) Storage of unlicensed and/or inoperable vehicles.
- 3 (h) Structures greater than 40 feet in height.
- 4 (5) Dimensional Standards.
- 5 (a) Setbacks:
- 6 (i) All setbacks shall conform to the FAA standards.
- 7 (ii) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
- 8 (b) Maximum Height: Structures that exceed 40 feet in height shall be considered a
- 9 Hearing Examiner Special Use unless otherwise exempt from this Section.
- 10 (i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and
- 11 fire towers are exempt. The height of personal wireless services towers
- 12 are regulated in SCC 14.16.720.
- 13 (6) Special Provisions.
- 14 (a) All improvements shall conform to applicable Federal regulations concerning
- 15 dimensional restriction on air operations including height restrictions and required
- 16 setbacks from air operations areas.
- 17 (b) Uses within the AVR zone located at Skagit Regional Airport are further subject
- 18 to the requirements of SCC 14.16.210 (Airport Environs).
- 19 (c) All proposed uses within properties abutting Agricultural - Natural Resource
- 20 Lands or residential districts shall be reviewed by the Administrative Official to
- 21 assure conformance with the following:
- 22 (i) All structures and outside activities shall be so located or screened from
- 23 residential or Agricultural - Natural Resource Lands districts to best avoid
- 24 the disturbance of glare, shading, noise, dirt or other nuisance or hazards
- 25 created during normal business operations;
- 26 (ii) No petroleum pumps or above-ground petroleum storage shall be closer
- 27 than 15 feet from any street right-of-way; and
- 28 (iii) Parking and design shall be guided by the Federal Aviation regulations
- 29 guidelines for object free areas.
- 30 (7) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest
- 31 of the Skagit County Code.

32
33 **14.16.210 Airport Environs Overlay (AEO).**

- 34 (1) Purpose. The purpose of the Airport Environs Overlay district is to promote land uses
- 35 compatible with the Skagit Regional Airport within the airport's designated environs and
- 36 to protect public health, safety and general welfare within aforementioned designated
- 37 environs.
- 38 (2) Determination of Airport Environs. For purposes of this Section, the airport environs is
- 39 that geographic area affected by the airport and defined on the basis of factors including,
- 40 but not limited to, aircraft noise, aircraft flight patterns, airport safety zones, local
- 41 circulation patterns and area development plans. The boundaries of the Airport Environs
- 42 are shown in the Airport Environs Overlay map. Maps portraying the airport environs
- 43 shall be on file and open for public inspection in the offices of the Port of Skagit County
- 44 and the Skagit County Planning and Permit Center. These maps will be provided by and
- 45 updated by the Port of Skagit County.
- 46 (3) Application of Airport Environs Review Ordinance.

- 1 (a) New buildings and structures. All new buildings or structures, which lie wholly
2 or in part within the airport environs, shall be subject to the provisions of this
3 Section.
- 4 (b) Outdoor activities. All activities, which are to occur in unenclosed space
5 involving human use or assembly, which lie wholly or in part within the airport
6 environs, shall be subject to the provisions of this Section. Such activities
7 include, but are not limited to:
- 8 (i) Open storage areas, roofed or unroofed, separate or adjoining another
9 structure.
- 10 (ii) Parks, playgrounds and playing fields; and
- 11 (c) Zone A. Development review for:
- 12 (i) Noise;
- 13 (ii) Height;
- 14 (iii) Avigation easement; and
- 15 (iv) Notice to purchasers.
- 16 (d) Zone B.
- 17 (i) Avigation easement.
- 18 (ii) Notice to purchasers.
- 19 (4) Exemptions. The provisions of this Section shall not be deemed applicable to the
20 following when allowed in the underlying zone:
- 21 (a) Existing Uses. Uses existing on the effective date of the Ordinance codified in
22 this Section shall not be required to change operations to comply with these
23 regulations. However, any use shall not be so changed as to result in a greater
24 degree of nonconformity with respect to these regulations.
- 25 (b) Temporary uses. Temporary uses including, but not limited to, circus, carnival or
26 other outdoor entertainment events and religious assemblies as long as the period
27 of operation does not exceed 5 days.
- 28 (c) Temporary Structures. Temporary buildings and structures auxiliary to residential
29 development and major construction and temporary uses in new subdivisions and
30 other residential developments which support the sale of dwellings and lots within
31 the same subdivision or residential development, so long as such uses and
32 associated structures are constructed or erected as incidental to a development, do
33 not involve any significant investment, are solely used for the designated purpose
34 and remain for a maximum of 1 year.
- 35 (d) Agricultural Structures. Bona fide agricultural buildings, structures,
36 improvements and associated developments so long as not more than 1 single-
37 family dwelling occurs within that portion of the parcel located within the airport
38 environs.
- 39 (e) Other Uses. As determined by the Department to be minor or incidental and
40 within the intent or objective of these regulations.
- 41 (5) Interior Noise Levels Established. (Zone A) Interior Day-Night Average Sound Level
42 (Ldn) with windows closed, attributable to exterior sources, shall not exceed the levels
43 described in this Section. For uses not specifically identified, the Department shall make
44 a determination of the applicable standards using this Section as the basis for that
45 decision. The Applicant bears the responsibility of demonstrating compliance through
46 documentation from a qualified professional.

- 1 (a) Residential uses.
- 2 (i) Single or Multiple Family 45 Ldn
- 3 (ii) Manufactured Homes 50 Ldn
- 4 (b) Commercial/Industrial uses.
- 5 (i) Offices 60 Ldn
- 6 (ii) Retail/Restaurant 60 Ldn
- 7 (iii) Other uses as guided by regulations
- 8 of the State of Washington and/or
- 9 the U. S. Occupational Safety and
- 10 Health Administration (OSHA) 60 Ldn
- 11 (c) Civic uses.
- 12 (i) Schools, Churches, Libraries 45 Ldn
- 13 (ii) Hospitals, Convalescent Homes
- 14 (sleeping area only) 45 Ldn

15 Field-testing may be required by the Department or by an individual with vested
 16 interest in the structure(s). Where a complaint as to noncompliance with this
 17 Section requires a field test to resolve the complaint, the complainant shall post a
 18 bond or adequate funds in escrow for the cost of such testing. Such cost shall be
 19 chargeable to the complainant when such field tests show that compliance with
 20 these regulations is in fact present. If such tests show noncompliance, then such
 21 testing costs shall be borne by the owner or builder. Actions shall be taken by the
 22 owner or builder to comply with the sound attenuation provisions of this Section.
 23 Interior noise measurements shall be taken under conditions of typical maximum
 24 exterior noise levels.

- 25 (6) Height (Zone A). An obstruction has the potential for endangering the lives and property
- 26 of users of the Skagit Regional Airport and property or occupants of land in its vicinity.
- 27 An obstruction may affect existing and future instrument approach minimums of Skagit
- 28 Regional Airport. An obstruction may reduce the size of areas available for the landing,
- 29 takeoff and maneuvering of aircraft thus tending to destroy or impair the utility of the
- 30 Skagit Regional Airport and the public investment therein. All development within this
- 31 zone shall conform to Federal Aviation Administration (FAA) guidelines including
- 32 height elevations/slopes as discussed in the Skagit Regional Airport Master Plan, dated
- 33 June 1995, as amended or updated so as to not interfere with the current and future use of
- 34 the Skagit Regional Airport. The Applicant bears the responsibility of demonstrating
- 35 compliance through documentation from a qualified professional.
- 36 (7) Avigation Easement Required. (Zone A and B). No permit of any type shall be issued for
- 37 any development or activity subject to this Section until the Port of Skagit County is
- 38 provided an avigation easement permitting the right of flight in the airspace above the
- 39 subject property. Such easement shall be recorded on the title of the subject property.
- 40 (8) Notice to Purchasers Required (Zone A and B). No permit of any type shall be issued for
- 41 any development or activity subject to this Section until purchasers of property within the
- 42 Airport Environs sign a notice to purchasers.
- 43 (9) Use Restrictions (Zone A and B). Notwithstanding any other provisions of this Section,
- 44 no use may be made of land or water within any zone established by this Section in such
- 45 a manner as to create electrical interference with navigational signals or radio
- 46 communication between the airport and aircraft, make it difficult for pilots to distinguish

1 between airport lights and others, result in glare in the eyes of pilots using the airport,
2 impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in
3 any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft
4 intending to use the airport.

5 (10) Content of Development Plan. The required development plan shall include technical
6 substantiation, maps, plans, drawings and such other information as is necessary to show:

7 (a) Ldn contours. Average Day-Night Sound Level (Ldn) contours, as provided in
8 the most current airport master plan, shall be superimposed on a topographic map
9 of the development site to show both present and future aircraft generated sound
10 levels projected for the property.

11 (b) Location of structures. The placement of all existing and proposed buildings and
12 structures shall be identified on the site/contour map. All maps shall be drawn at
13 a scale designated by the Department. A vicinity map shall also be provided.

14 (c) Specifications of uses. Identification of the uses to occur within each structure or
15 activity area shall be designated on the site/contour map.

16 (d) Noise Mitigation Measures. Noise attenuation measures to be applied in the
17 development shall be identified, together with the analysis of the noise insulation
18 effectiveness of the proposed construction, showing that the prescribed interior
19 noise level requirements are met. Said analysis shall be prepared by or under the
20 supervision of a person experienced in the field of acoustical engineering who
21 shall be identified. If interior allowable noise levels are met by requiring that
22 windows be fixed or closed, the design for the structures must also specify the
23 means that will be employed to provide ventilation and cooling, if necessary, to
24 provide a habitable interior environment.

25 (e) Narrative description. A narrative shall be provided describing the location of the
26 site; its total acreage; existing character and use; the concept of the proposed
27 development or use including as appropriate proposed residential density, number
28 of employees and/or estimated number of people who will be engaged in
29 transactions at the site over a 24-hour period such as, but not limited to, retail
30 store customers; and the relation of the proposed plan to the Skagit County
31 Comprehensive Plan.

32 (f) Height of all proposed structures and outdoor lighting design.

33 (11) Development Plan Review Criteria. The development plan described in Subsection (10)
34 shall be reviewed and evaluated by the Department for conformance with the following
35 criteria.

36 (a) Permitted Uses. All elements of the proposed development are consistent with
37 the land use compatibility standards for the Skagit Regional Airport environs and
38 with the requirements of this Section.

39 (b) Height. Buildings and structures are located such that their height does not
40 impact any airspace surfaces as depicted in the Skagit Regional Airport Master
41 Plan, dated June 1995, as amended or updated.

42 (c) Siting. Buildings and structures are located when reasonable and feasible at the
43 greatest distance from the noise source, taking maximum advantage of existing
44 topographical features to minimize noise impact.

45 (d) Design Consideration Regarding Noise. The amount of passive outdoor
46 recreational space where individuals would be subject to high levels of noise is

1 minimized; construction materials utilized are such that sound attenuation yields
2 an interior average sound level as described in Subsection (5).

- 3 (12) Marking and Lighting. The owner of any existing nonconforming structure or tree is
4 hereby required to permit the removal, or installation, operation and maintenance hereon
5 of such markers and lights as shall be deemed necessary by the Port of Skagit County to
6 indicate to the operators of aircraft in the vicinity of the airport the presence of such
7 airport obstruction. Such markers and lights shall be installed, operated and maintained
8 at the expense of the Port of Skagit County.

9
10 **14.16.300 Rural Intermediate (RI).**

- 11 (1) Purpose. The purpose of the Rural Intermediate district is to provide and protect land for
12 residential living in a rural atmosphere, taking priority over resource land uses. Long-
13 term open space retention and critical area protection are encouraged. CaRDs are the
14 preferred development pattern within this district.

- 15 (2) Permitted Uses.

- 16 (a) Agriculture.
17 (b) Agricultural accessory uses.
18 (c) Co-housing as part of a CaRD, subject to SCC 14.18.300-330.
19 (d) Detached single-family dwelling units.
20 (e) Family day care provider.
21 (f) Home Based Business 1.
22 (g) Residential accessory uses.

- 23 (3) Administrative Special Uses.

- 24 (a) Bed and breakfast, subject to SCC 14.16.900(3)(c).
25 (b) Minor utility developments.
26 (c) Parks - specialized recreational facilities.
27 (d) Temporary manufactured home.
28 (e) Temporary outdoor events.
29 (f) Trails and primary and secondary trailheads.

- 30 (4) Hearing Examiner Special Uses.

- 31 (a) Adult group care facility.
32 (b) Aircraft landing field, private.
33 (c) Animal clinic/hospital.
34 (d) Animal preserve.
35 (e) Campgrounds, primitive or developed.
36 (f) Cemetery.
37 (g) Church.
38 (h) Community club/grange hall.
39 (i) Display gardens.
40 (j) Expansion of existing major public uses up to 3,000 square feet.
41 (k) Fish hatchery.
42 (l) Group care facility.
43 (m) Historic sites open to the public.
44 (n) Home Based Business 2.
45 (o) Indoor shooting club.
46 (p) Impoundments greater than 1-acre feet in size.

- 1 (q) Kennels.
- 2 (r) Major public uses and expansions of existing major public uses, 3,000 square feet
- 3 and greater.
- 4 (s) Major utility developments.
- 5 (t) Minor public uses.
- 6 (u) Mortuary.
- 7 (v) Outdoor recreational facilities.
- 8 (w) Outdoor storage of processed and unprocessed natural materials in quantities
- 9 greater than 500 cubic yards that do not have a potential health hazard.
- 10 (x) Outdoor storage of processed and unprocessed natural materials in quantities
- 11 greater than 50 cubic yards that may have a potential health hazard. Does not
- 12 include storage of hazardous materials.
- 13 (y) Parks – community.
- 14 (z) Personal wireless services towers, subject to SCC 14.16.720.
- 15 (aa) Pre-school.
- 16 (bb) Public marinas, with no more than 20 slips.
- 17 (cc) Retail and wholesale nurseries/greenhouses.
- 18 (dd) Retriever/dog training facility.
- 19 (ee) Seasonal worker housing.
- 20 (ff) Seasonal roadside stands over 300 square feet.
- 21 (gg) Stables and riding clubs.
- 22 (hh) Storage of unlicensed and/or inoperable vehicles.
- 23 (5) Dimensional Standards.
- 24 (a) Setbacks:
- 25 (i) Front: 35 feet, 25 feet on minor access and dead-end streets.
- 26 (ii) Side: 8 feet on interior lot, 20 feet on street right-of-way.
- 27 (iii) Rear: 25 feet.
- 28 (iv) Accessory: Front: 35 feet.
- 29 Side: 8-feet, however, a 3-foot setback is permitted when
- 30 the accessory building is a minimum of 75 feet from the
- 31 front property line or when there is an alley along the rear
- 32 property line providing that the structure is less than 1,000
- 33 square feet in size and 16 feet or less in height.
- 34 (v) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
- 35 (b) Maximum Height: 30 feet or if adjacent to a BR-I zone, the maximum height
- 36 shall not exceed 40 feet, unless limited by SCC 14.16.210 (Airport Environs).
- 37 (i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and
- 38 fire towers are exempt. The height of personal wireless services towers
- 39 are regulated in SCC 14.16.720.
- 40 (c) Minimum Lot Size: 2.5 acres or 1/256th of a section, unless created through a
- 41 CaRD.
- 42 (d) Minimum Lot Width: 150 feet.
- 43 (e) Maximum Lot Coverage. The gross building area shall not be greater than 35%
- 44 of the lot area.
- 45 (6) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest
- 46 of the Skagit County Code.

1
2 **14.16.310 Rural Village Residential (RVR).**

3 (1) Purpose. The purpose of the Rural Village Residential district is to preserve the
4 residential character of identified Rural Villages. Allowed densities within this district
5 are based on the availability of public water and on environmental considerations.

6 (2) Permitted Uses.

7 (a) Co-housing as part of CaRD, subject to SCC 14.18.300-330.

8 (b) Detached single-family dwelling units.

9 (c) Family day care provider.

10 (d) Home Based Business 1.

11 (e) Residential accessory uses.

12 (3) Administrative Special Uses.

13 (a) Bed and breakfast, subject to SCC 14.16.900(3)(c).

14 (b) Minor utility developments.

15 (c) Parks - specialized recreation facilities.

16 (d) Temporary manufactured home.

17 (e) Temporary outdoor events.

18 (f) Trails and primary and secondary trailheads.

19 (4) Hearing Examiner Special Uses.

20 (a) Animal clinic/hospital.

21 (b) Cemetery.

22 (c) Community club/Grange hall.

23 (d) Expansion of existing major public uses up to 3,000 square feet.

24 (e) Group care facility.

25 (f) Historic sites open to the public.

26 (g) Home Based Business 2.

27 (h) Indoor shooting clubs.

28 (i) Major public uses and expansions of existing major public uses, 3,000 square feet
29 and greater.

30 (j) Major utility developments.

31 (k) Minor public uses.

32 (l) Mortuary.

33 (m) Parks - community.

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

35 (o) Pre-school.

36 (p) Retail and wholesale nurseries/greenhouses.

37 (q) Seasonal roadside stands over 300 square feet.

38 (r) Storage of unlicensed/inoperable vehicles.

39 (5) Dimensional Standards.

40 (a) Setbacks:

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

42 (ii) Side: 8 feet on interior lot, 20 feet on street right-of-way.

43 (iii) Rear: 25 feet.

44 (iv) Accessory: Front: 35 feet.

45 Side: 8 feet, however, a 3-foot setback is permitted when
46 the accessory building is a minimum of 75 feet from the

front property line or when there is an alley along the rear property line providing that the structure is less than 1,000 square feet in size and 16 feet or less in height.

- (v) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
 - (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 acre or 1/640th of a section with public water and septic, 2.5 acres or 1/256th of a section with private water and septic. Smaller lot sizes are permissible through CaRDs.
 - (d) Minimum Lot Width: 75 feet with public water and septic, 150 feet with private water and septic.
 - (e) Maximum Lot Coverage: Gross building area shall not exceed 50% of the lot area.
- (6) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.

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) Campground, primitive.
 - (d) Co-housing, as part of a CaRD, subject to SCC 14.18.300-330.
 - (e) 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.
 - (f) Detached single-family dwelling units.
 - (g) Family day care provider.
 - (h) Home Based Business 1.
 - (i) Residential accessory uses.
- (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.
- (4) Hearing Examiner Special Uses.
 - (a) Adult group care facility.

- 1 (b) Aircraft landing field, private.
- 2 (c) Animal clinic hospital.
- 3 (d) Animal preserve.
- 4 (e) Campground, developed.
- 5 (f) Cemetery.
- 6 (g) Church.
- 7 (h) Community club/Grange hall.
- 8 (i) Display gardens.
- 9 (j) Expansion of existing major public uses up to 3,000 square feet.
- 10 (k) Festival site.
- 11 (l) Fish hatchery.
- 12 (m) Golf course.
- 13 (n) Group care facility.
- 14 (o) Historic sites open to the public.
- 15 (p) Home Based Business 2.
- 16 (q) Impoundments greater than 1-acre feet in volume.
- 17 (r) Indoor shooting clubs.
- 18 (s) Kennels.
- 19 (t) Major public uses and expansions of existing major public uses, 3,000 square feet
- 20 and greater.
- 21 (u) Major utility developments.
- 22 (v) Manure lagoon.
- 23 (w) Minor public uses.
- 24 (x) Natural resources training/research facility.
- 25 (y) Off-road vehicle park.
- 26 (z) Outdoor Outfitters Enterprises.
- 27 (aa) Outdoor recreational facilities.
- 28 (bb) Outdoor storage of processed and unprocessed natural materials in quantities
- 29 greater than 500 cubic yards that do not have a potential health hazard.
- 30 (cc) Outdoor storage of processed and unprocessed natural materials in quantities
- 31 greater than 50 cubic yards that may have a potential health hazard. Does not
- 32 include storage of hazardous materials.
- 33 (dd) Parks-community.
- 34 (ee) Personal wireless services towers, subject to SCC 14.16.720.
- 35 (ff) Pre-school.
- 36 (gg) Public marinas with no more than 20 slips.
- 37 (hh) Racetrack – recreational.
- 38 (ii) Retail and wholesale nurseries/greenhouses.
- 39 (jj) Retriever/dog training facility.
- 40 (kk) Seasonal roadside stands over 300 square feet.
- 41 (ll) Seasonal worker housing.
- 42 (mm) Stables and riding clubs.
- 43 (nn) Storage of unlicensed/inoperable vehicles.
- 44 (oo) Temporary asphalt/concrete batching, subject to the applicable provisions of SCC
- 45 14.16.440.
- 46 (5) Dimensional Standards.

- 1 (a) Setbacks primary structure:
 - 2 (i) Front: 35 feet.
 - 3 (ii) Side: 8 feet on an interior lot, 20 feet on a street right-of-way.
 - 4 (iii) Rear: 25 feet.
- 5 (b) Setbacks, accessory structure:
 - 6 (i) Front: 35 feet.
 - 7 (ii) Side: 8 feet, 3-foot setback is permitted from the side and rear lots when
 - 8 the accessory building is a minimum of 75 feet from the front property
 - 9 line or when there is an alley along the rear property line, 20 feet from the
 - 10 street right-of-way.
 - 11 (iii) Rear: 25 feet, 3-foot setback is permitted from the side and rear lots when
 - 12 the accessory building is a minimum of 75 feet from the front property
 - 13 line or when there is an alley along the rear property line.
- 14 (c) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
- 15 (d) Maximum Height: 30 feet or shall conform to the Skagit County Building Code.
 - 16 (i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and
 - 17 fire towers are exempt. The height of personal wireless services towers
 - 18 are regulated in SCC 14.16.720.
 - 19 (ii) If adjacent to a BR-I zone, the maximum height shall not exceed 40 feet,
 - 20 unless limited by SCC 14.16.210 (Airport Environs).
- 21 (e) Minimum Lot Size: 10 acres or 1/64th of a section, unless created through a
 - 22 CaRD.
- 23 (f) Minimum Lot Width: 150 feet.
- 24 (g) Maximum Lot Coverage: 35%.
- 25 (6) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest
 - 26 of the Skagit County Code.
 - 27

28 **14.16.330 Residential District (R).**

- 29 (1) Purpose. The purpose of this district is to provide for and protect privately owned fee
 - 30 simple land located within the Swinomish Urban Growth Area for development. The
 - 31 densities allowed in this district are designed to meet contemporary building and living
 - 32 standards for single-family dwellings and other related uses.
- 33 (2) Permitted Uses.
 - 34 (a) Duplexes (only when approved as part of the approval of a subdivision).
 - 35 (b) Family day care provider.
 - 36 (c) Home Based Business 1.
 - 37 (d) Single-family dwellings.
- 38 (3) Accessory Uses.
 - 39 (a) Accessory buildings and structures, provided they are within the required setbacks
 - 40 and they are at least 10 feet from each other and the main building if detached,
 - 41 that they are no more than 1 story in height, and that they do not occupy more
 - 42 than 50% of the rear yard.
 - 43 (b) Buildings used for the housing of animals or fowl. Such buildings shall not
 - 44 exceed 36 square feet in floor area when located on a lot of less than 1/2 acre.
 - 45 The building shall not be located closer than 25 feet to a property line, except by
 - 46 mutual recorded agreement of adjacent property owners.

- 1 (c) Accessory dwelling unit.
- 2 (4) Administrative Special Uses.
- 3 (a) Expansion of existing major public facilities up to 3,000 square feet.
- 4 (b) Group care facility.
- 5 (5) Hearing Examiner Special Uses.
- 6 (a) Bed and breakfast.
- 7 (b) Expansion of existing major public facilities greater than 3,000 square feet.
- 8 (c) Golf courses.
- 9 (d) Home Based Business 2.
- 10 (e) Kennels.
- 11 (f) Pre-schools.
- 12 (g) Primitive and developed campgrounds.
- 13 (6) Dimensional Requirements.
- 14 (a) Minimum lot size/minimum lot width: The minimum lot size and width shall be
- 15 determined by the following table:
- 16

Land Use	Lot Area	Lot Width
Single Family Dwelling:		
Private Sewer	12,500 square feet*	75 feet
Public Sewer	8,400 square feet	75 feet
Duplex	13,000 square feet	75 feet

*Subject to Health Department approval.

- 17
- 18 (b) Setbacks:
- 19 (i) Primary Structures:
- 20 A) Front: 35 feet, 25 feet on minor access and dead-end streets.
- 21 B) Side: 8 feet on interior lot, 20 feet on street right-of-way.
- 22 C) Rear: 25 feet.
- 23 (ii) Accessory Structures:
- 24 A) Front: 35 feet.
- 25 B) Side: 8 feet, 3-foot setback is permitted from the side and rear lot
- 26 lines when the accessory building is a minimum of 75 feet from the
- 27 front property line or when there is an alley along the rear property
- 28 line providing that the structure is 1,000 square feet or less in size
- 29 and 16 feet or less in height.
- 30 C) A side yard setback of 20 feet is required for all accessory
- 31 buildings when the side property line is adjacent to a street right-
- 32 of-way.
- 33 D) Rear Yard: 25 feet, 3-foot setback is permitted from the side
- 34 and rear lot lines when the accessory building is a minimum of 75
- 35 feet from the front property line or when there is an alley along the
- 36 rear property line providing that the structure is 1,000 square feet
- 37 or less in size and 16 feet or less in height.
- 38 (iii) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
- 39 (c) Maximum lot coverage: 35%.
- 40 (d) Maximum height: Shall conform to the Skagit County Building Code.
- 41 (7) Residential General Provisions.

1 (a) Duplexes shall not be built on more than 10% of the available lots in any plat or
 2 subdivision unless specific approval for a greater number of duplexes is obtained
 3 as a part of the plat approval. The approved number of duplex lots shall be
 4 inscribed on the face of the plat. The allowable number of duplex lots shall not
 5 exceed the following numbers without the specific approval of the Board of
 6 County Commissioners.
 7

No. of Lots	No. of Duplex Lots
Less than 8 lots	0 Duplex Lots
8 - 15 lots	1 Duplex Lot
16-25 lots	2 Duplex Lots
26-35 lots	3 Duplex Lots
35 lots and over	As determined by the Planning Director in accordance with the same formula.

8
 9 **14.16.400 Agricultural – Natural Resource Lands (Ag-NRL).**

10 (1) Purpose. The purpose of the Agricultural – Natural Resource Lands district is to provide
 11 land for continued farming activities, conserve agricultural land, and reaffirm agricultural
 12 use, activities and operations as the primary use of the district. The district is composed
 13 mainly of low flat land with highly productive soil and is the very essence of the
 14 County’s farming heritage and character.

15 (2) Permitted Uses.

- 16 (a) Agriculture.
- 17 (b) Agricultural accessory uses.
- 18 (c) Co-housing, as part of CaRD, subject to SCC 14.18.300-330.
- 19 (d) Commercial greenhouse operations that are an integral part of a local soil-based
 20 commercial agriculture operation.
- 21 (e) Composting with no net loss of original soil.
- 22 (f) Family day care provider.
- 23 (g) Farm-based business carried on exclusively by a member or members of a family
 24 residing on the farm and employing no more than 3 non-resident full-time
 25 equivalent employees.
- 26 (h) Historic sites open to the public.
- 27 (i) Home Based Business 1.
- 28 (j) Lagoons for livestock and poultry waste, which shall follow construction and
 29 management guidelines to be set forth by the Agricultural Advisory Board.
- 30 (k) Management and harvest of any forest crop and the usual accessory buildings.
- 31 (l) On-site sorting, bagging, storage, and similar wholesale processing activities of
 32 agricultural products that are predominantly grown on site or produced principally
 33 from the entire commercial farm operation. Such activities shall be limited to
 34 those which are integrally related to the agricultural production and harvesting
 35 process.
- 36 (m) Seasonal roadside stands not exceeding 300 square feet.
- 37 (n) Single-family detached residential dwelling unit and residential accessory uses,
 38 when accessory to an agricultural use.
- 39 (o) Wholesale nurseries.

- 1 (3) Administrative Special Uses.
- 2 (a) Bed and breakfast, subject to SCC 14.16.900(3)(c).
- 3 (b) Expansion of existing major public uses up to 3,000 square feet.
- 4 (c) Greenhouse operations not otherwise permitted in 14.06.400(2)(d). Greenhouses
- 5 operating in the Ag-NRL zone as an administrative special use, should they cease
- 6 operation, shall be required to return the land to its former state or otherwise place
- 7 the land in agricultural production.
- 8 (d) Minor public uses.
- 9 (e) Minor utility developments which serve only the agricultural area.
- 10 (f) Personal wireless services towers, subject to SCC 14.16.720.
- 11 (g) Seasonal roadside stands exceeding 300 square feet.
- 12 (h) Temporary manufactured home.
- 13 (i) Temporary outdoor events.
- 14 (j) Trails and primary and secondary trailheads.
- 15 (4) Hearing Examiner Special Uses.
- 16 (a) Aircraft landing field, private, in conjunction with an agricultural use only.
- 17 (b) Concentrated animal feeding operation.
- 18 (c) Home Based Business 2.
- 19 (d) If located within a designated mineral resource overlay, extracting and processing
- 20 mineral resources.
- 21 (e) Impoundments greater than 1-acre feet in size which do not function as manure
- 22 lagoons.
- 23 (f) Major public uses and expansions of existing major public uses, 3,000 square feet
- 24 or greater.
- 25 (g) Major utility developments which serve only the agricultural area, and where
- 26 there is no other viable parcel or non-agricultural designated land to serve the
- 27 affected area.
- 28 (h) Natural resource research and training facility.
- 29 (i) Outdoor Outfitters Enterprises.
- 30 (j) Primitive marinas with not greater than 3 slips.
- 31 (k) Shooting club (outdoor, no associated enclosed structures allowed).
- 32 (l) Temporary asphalt/concrete batching.
- 33 (5) Dimensional Standards.
- 34 (a) Setbacks:
- 35 (i) Residential:
- 36 a) Front: 35 feet minimum, 200 feet maximum from public road.
- 37 Maximum setback may be waived by the Planning and Permit
- 38 Center where critical areas are located within 200 feet of the road,
- 39 preventing the placement of a house within the setback area. The
- 40 maximum setback may also be waived by the Planning and Permit
- 41 Center in cases where non-floodplain or non-prime agricultural
- 42 land is located on the lot outside of the setback area, which would
- 43 provide for a more appropriate placement of a house.
- 44 b) Side: 8 feet adjacent to a property line.
- 45 c) Rear: 35 feet.
- 46 d) Accessory: Same as Principal structures.

- 1 (ii) Non – residential:
- 2 a) Front: 35 feet.
- 3 b) Side: 15 feet.
- 4 c) Rear: 35 feet.
- 5 (b) Maximum Height: 30 feet or shall conform to the Skagit County Building Code.
- 6 (i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and
- 7 fire towers are exempt. The height of personal wireless services towers
- 8 are regulated in SCC 14.16.720.
- 9 (c) Minimum Lot Size: 1/16th of a section of land or 40 acres. Smaller lot sizes are
- 10 permissible through CaRDs or as provided in SCC 14.16.860.
- 11 (6) Siting Criteria.
- 12 (a) Siting of all structures in the Agricultural - Natural Resource Lands district shall
- 13 minimize potential impacts on agricultural activities.
- 14 (b) Structures shall be located at the edge of the property, either adjacent to the road
- 15 or next to an interior lot line.
- 16 (c) When structures exist on adjacent properties, siting of new structures shall comply
- 17 with the following prioritized techniques:
- 18 (i) Locate new structures(s) in the same ownership adjacent to an existing
- 19 compatible structure(s), sharing a common access road.
- 20 (ii) When the provisions of Subsection (c)(i) above are not practical, locate
- 21 adjacent to an existing structure.
- 22 (iii) When the provisions of Subsection (c)(i) or (ii) above are not practical,
- 23 site to achieve minimum distance between structures.
- 24 (7) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest
- 25 of the Skagit County Code.

26

27 **14.16.410 Industrial Forest – Natural Resource Lands (IF-NRL).**

- 28 (1) Purpose. The purpose of the Industrial Forest – Natural Resource Lands district is to
- 29 ensure that forest lands of long-term commercial significance are conserved and managed
- 30 to provide sustainable forest yields, job stability, ecological values and the continuation
- 31 of a viable commercial forest industry in Skagit County. Conservation of forest resources
- 32 must be assured through measures designed to prevent incompatible development on or
- 33 adjacent to resource lands. Forest activities shall not constitute a nuisance if conducted in
- 34 accordance with the State Forest Practice Rules and Regulations, WAC 222 .
- 35 (2) Applicability. Applies to all land zoned Industrial Forest and to all fee simple
- 36 ownerships within National Forests.
- 37 (3) Permitted Uses.
- 38 (a) Co-housing, as part of CaRD, subject to SCC 14.18.300-330.
- 39 (b) Cultivation and harvest of forest products or any forest crop, in accordance with
- 40 the Forest Practices Act and any regulations adopted pursuant thereto.
- 41 (c) Single-family residential dwellings, together with the usual accessory buildings
- 42 and uses only when all of the following criteria are met:
- 43 (i) The residence is located within 200 feet of an existing County road or
- 44 State highway;
- 45 (ii) The residence is located within the boundaries of a fire district;

- 1 (iii) The residence is an accessory use to timber resource management
2 activities;
- 3 (iv) Ingress and egress for fire vehicles meets the standards of the Uniform
4 Fire Code Section 902, as amended;
- 5 (v) There is a 200-foot slash abatement maintained around the exterior portion
6 of the dwelling;
- 7 (vi) There is a safety zone cleared of flammable vegetation 300 feet from any
8 portion of the exterior of any structure on level ground and 100 feet
9 downhill on sloped ground;
- 10 (vii) The dwelling or any accessory structure is constructed of a
11 noncombustible roofing material; and
- 12 (viii) There is availability of 3,000 gallons of water on-site, 400 feet of 1-inch
13 fire hose with nozzle, and an internal combustion engine powered pump.
- 14 (d) Extraction of gravel and rock for road and trail construction and maintenance
15 purposes, and the operation of rock crushers, all providing the material is used
16 within the Industrial or Secondary Forest - Natural Resource Lands Zones, or on
17 same forest owners' property.
- 18 (e) Historic sites open to the public.
- 19 (f) Home Based Business 1.
- 20 (g) Management and propagation of fish and wildlife.
- 21 (h) Non-residential structures which are accessory to forest management activities
22 (i.e., temporary watchman quarters, equipment shop or storage structures).
- 23 (i) Operations of scaling stations, log dumps, sorting and storage areas, forest
24 industry residue dumping areas; provided, that any such use within 1,000 feet of
25 any residential use district, park or recreation area shall be temporary and less
26 than 12 months in duration.
- 27 (j) Operation of sawmills, chippers, shake and shingle mills, forest industry
28 equipment maintenance buildings and storage yards, provided, that such uses are
29 temporary and are located on the property for no longer than 12 months' duration.
- 30 (k) Personal wireless services towers, subject to SCC 14.16.720.
- 31 (l) Primitive campgrounds.
- 32 (m) Storage of explosives for private use per adopted UBC and UFC, when located at
33 least 300 feet from property boundary or public road right-of-way.
- 34 (n) Temporary use of recreational vehicles only where it is in conjunction with an
35 active Forest Practice Application. Temporary use of recreational vehicles is only
36 allowed under this Subsection where such recreational vehicle is used as
37 temporary living quarters for trail crews, fire crews, nursery crews, logging crews,
38 maintenance crews or watchman, and where such use occurs for less than 6
39 months per year.
- 40 (o) Watershed management, but not including water diversion structures,
41 impoundment dams or hydroelectric generation facilities.
- 42 (4) Administrative Special Uses.
- 43 (a) Expansion of existing major public uses up to 3,000 square feet.
- 44 (b) Minor public uses.
- 45 (c) Minor utility developments.
- 46 (d) Riding clubs and stables.

- 1 (e) Temporary outdoor events.
- 2 (f) Trails and primary and secondary trailheads.
- 3 (5) Hearing Examiner Special Uses.
- 4 (a) Aircraft landing field, private.
- 5 (b) Campground, developed.
- 6 (c) Forestry-based business employing no more than 3 non-resident full-time
- 7 equivalent employees. This is a commercial enterprise devoted to the direct
- 8 marketing of unprocessed and/or value-added and forestry-related products that
- 9 are produced, processed and/or may be sold on site.
- 10 (d) Home Based Business 2.
- 11 (e) If located within a designated mineral resource overlay, extracting and processing
- 12 mineral resources.
- 13 (f) Major public uses and expansions of existing major public uses, 3,000 square feet
- 14 and greater.
- 15 (g) Major utility developments.
- 16 (h) Natural resource training/research facility.
- 17 (i) Off-road vehicle park.
- 18 (j) Outdoor Outfitters Enterprises.
- 19 (k) Primitive marinas not greater than 20 slips.
- 20 (l) Racetrack, recreational.
- 21 (m) Shooting clubs (outdoor, no associated enclosed structures allowed).
- 22 (n) Storage of explosives for commercial purposes when located at least 600 feet
- 23 from property boundary or public road right-of-way.
- 24 (o) Storage of unlicensed/inoperable vehicles.
- 25 (p) Water diversion structures, impoundments greater than 1-acre feet in volume.
- 26 (6) Dimensional Standards.
- 27 (a) Setbacks:
- 28 (i) Front: 100 feet.
- 29 (ii) Side and rear: 100 feet.
- 30 (iii) Accessory: Same as Primary.
- 31 (iv) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
- 32 (b) Maximum height: Shall meet the requirements of the Skagit County Building
- 33 Code.
- 34 (i) Height Exemptions: The height of personal wireless services towers are
- 35 regulated in SCC 14.16.720.
- 36 (c) Minimum Lot Size: 1/8th of a section or 80 acres. Smaller lot sizes are
- 37 permissible through CaRDs.
- 38 (d) Minimum Lot Width: 400 feet at the building line.
- 39 (7) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest
- 40 of the Skagit County Code.

41
42 **14.16.420 Secondary Forest – Natural Resource Lands (SF-NRL).**

- 43 (1) Purpose. The purpose of the Secondary Forest – Natural Resource Lands (SF-NRL)
- 44 district is to provide a transitional area between the Industrial Forest - Natural Resource
- 45 Lands zone and Rural zoned lands designated primarily for residential use and other non-
- 46 forestry uses. The SF-NRL zone also provides a zoning district where smaller scale

1 timber and other resource management activities can occur while providing protection
2 from encroachment of residential activity that may encumber standard forest practices.

3 (2) Permitted Uses.

- 4 (a) Accessory residential structures.
- 5 (b) Campground, primitive.
- 6 (c) Co-housing as part of a CaRD, subject to SCC 14.18.300-330.
- 7 (d) Cultivation and harvest of forest products or any forest crop, in accordance with
8 the Forest Practices Act and any regulations adopted pursuant thereto.
- 9 (e) Detached single-family residential dwellings.
- 10 (f) Extraction of gravel and rock for road and trail construction and maintenance
11 purposes, and the operation of rock crushers, all providing the material is used
12 within the Industrial or Secondary Forest - Natural Resource Lands Zone, or on
13 same forest owners' property.
- 14 (g) Family day care provider.
- 15 (h) Historic sites open to the public.
- 16 (i) Home Based Business 1.
- 17 (j) Management and propagation of fish and wildlife.
- 18 (k) Non-residential structures which are accessory to forest management activities
19 (i.e., temporary watchman quarters, equipment shop or storage structures).
- 20 (l) Operations of scaling stations, log dumps, sorting and storage areas, forest
21 industry residue dumping areas; provided any such use within 1,000 feet of any
22 residential use district, park or recreation area shall be temporary and less than 12
23 months in duration.
- 24 (m) Operation of sawmills, chippers, shake and shingle mills, forest industry
25 equipment maintenance buildings and storage yards; provided that such uses are
26 temporary and are located on the property for no longer than 12 months' duration.
- 27 (n) Storage of explosives for private use per adopted UBC and UFC, when located at
28 least 300 feet from property boundary or public road right-of-way.
- 29 (o) Temporary use of recreational vehicles only where it is in conjunction with an
30 active Forest Practice Application. Temporary use of recreational vehicles is only
31 allowed under this Subsection where such recreational vehicle is used as
32 temporary living quarters for trail crews, fire crews, nursery crews, logging crews,
33 maintenance crews or watchman, and where such use occurs for less than 6
34 months per year.
- 35 (p) Watershed management, but not including water diversion structures,
36 impoundment dams or hydroelectric generation facilities.

37 (3) Administrative Special Uses.

- 38 (a) Animal clinic/hospital.
- 39 (b) Expansion of existing major public uses up to 3,000 square feet.
- 40 (c) Kennels.
- 41 (d) Minor public uses.
- 42 (e) Minor utility developments.
- 43 (f) Personal wireless services towers, subject to SCC 14.16.720.
- 44 (g) Retail and wholesale nurseries/greenhouses.
- 45 (h) Retriever/field trial dog training facility.
- 46 (i) Riding clubs and stables.

- 1 (j) Seasonal roadside stands greater than 300 square feet.
- 2 (k) Temporary outdoor events.
- 3 (l) Trails and primary and secondary trailheads.
- 4 (4) Hearing Examiner Special Uses.
- 5 (a) Aircraft landing field, private.
- 6 (b) Campground, developed.
- 7 (c) Forestry-based business employing no more than 3 non-resident full-time
- 8 equivalent employees. This is a commercial enterprise devoted to the direct
- 9 marketing of unprocessed and/or value-added and forestry-related products that
- 10 are produced or processed and may be sold on site.
- 11 (d) Home Based Business 2.
- 12 (e) If located within a designated mineral resource overlay, extracting and processing
- 13 mineral resources.
- 14 (f) Major public uses and expansions of existing major public uses, 3,000 square feet
- 15 and greater.
- 16 (g) Major utility developments.
- 17 (h) Natural resource training/research facility.
- 18 (i) Off-road vehicle park.
- 19 (j) Outdoor Outfitters Enterprises.
- 20 (k) Primitive marinas not greater than 20 slips.
- 21 (l) Racetrack, recreational.
- 22 (m) Seasonal worker housing.
- 23 (n) Shooting club, indoor and outdoor.
- 24 (o) Storage of explosives for commercial purposes when located at least 600 feet
- 25 from property boundary or public road right-of-way.
- 26 (p) Storage of unlicensed/inoperable vehicles.
- 27 (q) Temporary asphalt/concrete batching.
- 28 (r) Water diversion structures, impoundments greater than 1-acre feet in volume.
- 29 (5) Dimensional Standards.
- 30 (a) Setbacks:
- 31 (i) Front, side and rear: 100 feet.
- 32 (ii) Accessory: same as Primary.
- 33 (iii) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
- 34 (b) Access Frontage: 100 feet.
- 35 (c) Maximum Height: Shall meet the requirements of the Skagit County Building
- 36 Code.
- 37 (i) The height of personal wireless services towers are regulated in SCC
- 38 14.16.720.
- 39 (d) Minimum Lot Size: 20 acres or 1/32nd of a section. Smaller lot sizes are
- 40 permissible through CaRDs.
- 41 (e) Minimum Lot Width: 400 feet.
- 42 (6) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest
- 43 of the Skagit County Code.
- 44

1 **14.16.430 Rural Resource – Natural Resource Lands (RRc-NRL).**

2 (1) Purpose. The purpose of the Rural Resource-Natural Resource Lands district is to
3 recognize and encourage the conservation of those lands which have the characteristics of
4 both long-term commercially significant agriculture and forestry either on-site or on
5 adjacent sites. These are lands generally not managed as industrial resource lands,
6 because of less productive soils, parcel size and/or geographic location, but are managed
7 on a smaller scale and provide support for the industrial natural resource land base. It is
8 the intent of this district to restrict incompatible non-resource related uses and to retain a
9 long-term, commercially significant natural resource land base.

10 (2) Permitted Uses.

- 11 (a) Agriculture.
- 12 (b) Agricultural accessory uses.
- 13 (c) Aquaculture.
- 14 (d) Campground, primitive.
- 15 (e) Commercial uses supporting resource uses, such as packing, first stage processing
16 and processing that provides added value to resource products.
- 17 (f) Cultivation and harvest of forest products or any forest crop in accordance with
18 the Forest Practices Act and any regulations adopted pursuant thereto.
- 19 (g) Detached single-family residential dwelling.
- 20 (h) Extraction of gravel and rock for road and trail construction and maintenance
21 purposes, and the operation of rock crushers, all providing the material is used
22 within the Rural Resource - Natural Resource Lands Zone, or on same forest
23 owners' property, on 3 acres or less.
- 24 (i) Family day care provider.
- 25 (j) Historic sites open to the public.
- 26 (k) Home Based Business 1.
- 27 (l) Operation of scaling stations, log dumps and sorting areas, and forest industry
28 residue dumping areas; provided, that any such use within 1,000 feet of any
29 residential use zone, park, or recreation area shall be temporary and less than 12
30 months' duration.
- 31 (m) Operation of sawmills, chippers, shake and shingle mills, forest industry
32 equipment maintenance buildings, and storage yards; provided, that such uses are
33 temporary and are located on the property for no longer than 12 months' duration.
- 34 (n) Residential accessory structures.
- 35 (o) Temporary roadside stands not exceeding 300 square feet.

36 (3) Administrative Special Uses.

- 37 (a) Animal clinic/hospital.
- 38 (b) Bed and breakfast, subject to SCC 14.16.900(3)(c).
- 39 (c) Cemetery.
- 40 (d) Display gardens.
- 41 (e) Expansion of existing major public uses up to 3,000 square feet.
- 42 (f) Kennels.
- 43 (g) Minor public uses.
- 44 (h) Minor utility developments.
- 45 (i) Outdoor recreational facilities.
- 46 (j) Parks, specialized recreation facility.

- 1 (k) Personal wireless services towers, subject to SCC 14.16.720.
- 2 (l) Retail and wholesale nurseries/greenhouses.
- 3 (m) Retriever/field trial dog training facility.
- 4 (n) Riding clubs and stables.
- 5 (o) Seasonal roadside stands greater than 300 square feet.
- 6 (p) Temporary outdoor events.
- 7 (q) Trails and primary and secondary trailheads.
- 8 (4) Hearing Examiner Special Uses.
- 9 (a) Aircraft landing field, private.
- 10 (b) Animal preserve.
- 11 (c) Campground, developed.
- 12 (d) Co-housing as part of CaRD, subject to SCC 14.18.300-330.
- 13 (e) Concentrated animal feeding operation.
- 14 (f) Extraction of gravel and rock for road and trail construction and maintenance
- 15 purposes, and the operation of rock crushers, all providing the material is used
- 16 within the Rural Resource - Natural Resource Lands Zone, or on same forest
- 17 owners' property, on more than 3 acres.
- 18 (g) Forestry-based business employing no more than 3 non-resident full-time
- 19 equivalent employees.
- 20 (h) Home Based Business 2.
- 21 (i) If located within a designated mineral resource overlay, extracting and processing
- 22 mineral resources.
- 23 (j) Impoundments greater than 1-acre feet in volume.
- 24 (k) Lagoons for livestock and poultry waste, which shall follow construction and
- 25 management guidelines to be set forth by the Agricultural Advisory Board.
- 26 (l) Major public uses and expansions of existing major public uses, 3,000 square feet
- 27 and greater.
- 28 (m) Major utility developments.
- 29 (n) Marinas with no more than 20 slips.
- 30 (o) Natural resource training/research facility.
- 31 (p) Off-road vehicle park.
- 32 (q) Outdoor Outfitters Enterprises.
- 33 (r) Parks, community.
- 34 (s) Racetrack, recreational.
- 35 (t) Seasonal worker housing.
- 36 (u) Shooting clubs, indoor and outdoor.
- 37 (v) Storage of explosives for commercial purposes when located at least 600 feet
- 38 from property boundary or public road right-of-way.
- 39 (w) Storage of unlicensed and/or inoperable vehicles.
- 40 (x) Water diversion structures.
- 41 (5) Dimensional Standards.
- 42 (a) Setbacks, primary structures:
- 43 (i) Front: 50 feet.
- 44 (ii) Side: 50 feet.
- 45 (iii) Rear: 50 feet.
- 46 (b) Setbacks, accessory:

- 1 (i) Front: 50 feet.
- 2 (ii) Side: 50 feet.
- 3 (iii) Rear: 50 feet.
- 4 (c) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
- 5 (d) Maximum Height: Shall conform to the Building Codes of Skagit County.
- 6 (i) The height of personal wireless services towers are regulated in SCC
- 7 14.16.720.
- 8 (e) Minimum lot size: 1/16th of a section of land or 40 acres. Smaller lot sizes may
- 9 be allowed with CaRDs or as provided for through SCC 14.16.860.
- 10 (f) Minimum lot width: 400 feet.
- 11 (g) Maximum Lot Coverage: Except for greenhouses, 10,000 square feet or 10% of
- 12 the lot area, whichever is greater. Greenhouses may have up to 35% lot coverage.
- 13 (6) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest
- 14 of the Skagit County Code.

15
16 **14.16.440 Mineral Resource Overlay (MRO).**

- 17 (1) Purpose. The purpose of the Mineral Resource Overlay (MRO) is to maintain and
- 18 enhance natural resource-based industries by conserving mineral resource lands, allowing
- 19 continued operation of existing legally established uses, and by assuring that use of
- 20 adjacent lands does not interfere with the extraction and quarrying of minerals. A MRO
- 21 overlays Natural Resource Lands (NRL) zoning districts and imposes regulations in
- 22 addition to those normally required in the underlying NRL zoning district. Mineral
- 23 extraction and processing activities are allowed as a Hearing Examiner Special Use, and
- 24 must comply with the Surface Mining Act, RCW 78.44. The MRO recognizes those
- 25 areas that are designated to protect long-term, commercially viable mineral Natural
- 26 Resource Lands and recognizes that mineral resources must be in close and economic
- 27 proximity to the market to be served.
- 28 (2) Designation Procedure. The MRO represents those areas that are designated as Mineral
- 29 Resource Overlay (MRO) on the Skagit County Comprehensive Plan Map adopted by
- 30 Ordinance 16550, or as thereafter amended. Unless otherwise restricted by ordinance,
- 31 new Mineral Resource Overlay areas may be designated by complying with RCW
- 32 36.70A, the Comprehensive Plan amendment procedures of the Skagit County
- 33 Comprehensive Plan, and SCC 14.08.
- 34 (3) Pre-existing Designated and Undesignated Mining Operations.
- 35 (a) Except as allowed in Subsection (b) below, or as allowed as an accessory use,
- 36 pursuant to SCC 14.16.410(3)(d), 14.16.420(2)(f), 14.16.430(2)(h) and
- 37 14.16.430(4)(f), no new mining special use permits shall be issued outside of the
- 38 designated Mineral Resource Overlay.
- 39 (b) Commercial mining operations lying outside of a designated MRO that are
- 40 allowed at the time of adoption of this Ordinance may continue to operate on the
- 41 permitted mining site. Expansion of the existing operations beyond the
- 42 geographical and/or operational limits imposed by the existing approval is
- 43 allowed provided the owner applies for and receives a new mining special-use
- 44 permit issued under this Section that covers the expanded operation area.
- 45 Expansion will not extend beyond the legal parcel on which the legally existing
- 46 use is located.

- 1 (c) Commercial mining operations lying within a designated MRO that are allowed at
2 the time of adoption of this Ordinance may continue to operate on the permitted
3 mine site. Expansion of the existing operations beyond the geographical and/or
4 operational limits imposed by the existing approval is allowed, provided the
5 owner applies for and receives a new mining special-use permit issued under this
6 Section that covers the expanded operation and/or area.
- 7 (4) Removal of Designation Status. A petitioner may seek removal of designated Mineral
8 Resource Lands and the associated Mineral Resource Overlay on the Official Zoning
9 Map through the Comprehensive Plan amendment process, pursuant to SCC 14.08, and
10 by demonstrating one or more of the following:
- 11 (a) The mineral resource is depleted to a point that it is no longer economically
12 feasible to continue mining on the site.
- 13 (b) New or updated geological data no longer indicates the potential for mineral
14 resources of regional or long-term commercial significance on the site.
- 15 (c) The Mineral Resource Overlay was designated based on a technical mapping
16 error.
- 17 (5) Permitted Uses. All uses permitted in the underlying zone are allowed in the MRO.
- 18 (6) Accessory Uses. Accessory uses normally associated and in conjunction with a permitted
19 use stated in Subsection (5) are permitted in the MRO.
- 20 (7) Special Uses.
- 21 (a) Any other special use permitted in the underlying zoning district is likewise
22 permitted in the MRO.
- 23 (b) The following uses are permitted as a Hearing Examiner Special Use in the
24 Mineral Resource Overlay subject to the requirements of this Section and the
25 restrictions contained in the underlying zone. Uses under this Section must
26 comply with RCW 78.44, Surface Mining Act, RCW 90.48, the Water Pollution
27 Control Act, and all other applicable laws and regulations:
- 28 (i) Activities associated with mining or quarrying operations, including
29 blasting and use of equipment in connection with an extraction operation,
30 maintenance of mineral extraction equipment, maintenance of roads,
31 traffic control, sorting, crushing, cleaning and loading;
- 32 (ii) On-site processing including asphalt or concrete batching and asphalt or
33 concrete recycling; and
- 34 (iii) Surface or underground mining or quarrying of mineral deposits or
35 building materials from rock, stone, gravel, sand, and earth together with
36 associated structures and equipment;
- 37 (iv) Temporary dwellings for a caretaker or superintendent and their family.
- 38 (8) Application For Mining Special Use Permit. An Applicant for a mining operations
39 special use permit shall submit:
- 40 (a) The following information on maps in an 11-inch by 17-inch format size:
- 41 (i) A vicinity map with a north arrow indicating the area on which the
42 extraction operation is proposed including a legal description, showing
43 right-of-way width of access roads to the proposed site from the nearest
44 community and any roads proposed on the site, and showing zoning of
45 adjacent properties and land uses within 5 miles of the area proposed for
46 mineral extraction and related activities;

- 1 (ii) A pre-mining map drawn to scale with an appropriate scale bar showing
2 the permit area and buffers, elevations and contours, natural slopes and
3 other drainage patterns, boundaries of municipalities, boundaries of
4 property ownership, names and addresses of adjacent property owners,
5 locations of nearby mines, locations of all railroads, bridges, utility lines
6 or other rights of way, locations and names of any streams and natural or
7 artificial drain ways on or adjacent to the site, locations of parks and other
8 significant features;
- 9 (iii) A reclamation sequence map drawn to scale with an appropriate scale bar
10 covering the same area as the pre-mining map showing the permit area
11 border and buffers, excavation areas, location of all proposed access roads
12 to be built, location of types of setbacks and beams, numbered segments
13 and the direction of the sequence of mining, soil storage areas and
14 sequence of stripping, storing and replacement of mined segments,
15 overburden storage areas and sequence of stripping, storing and
16 replacement of overburden on mined segments, waste rock piles and how
17 they will be reclaimed and stabilized, operation plant and processing areas,
18 measures to be taken to adjacent surface area to prevent slumping or
19 landslides on adjacent lands, location and description of storm-water and
20 erosion control systems, including drainage facilities and settling ponds
21 and estimated runoff served by individual facilities; and
- 22 (iv) A final reclamation map drawn to scale with an appropriate scale bar
23 covering the same area as the pre-mining map permit area and buffers,
24 final elevations and contours, adjacent natural ground slopes, reclaimed
25 drainage patterns, general topography, locations and names of any roads,
26 utility lines, rights-of-way, streams, bridges, lakes, springs, wetlands,
27 location and depth of topsoil to be replaced after seedbed preparation,
28 permanent drainage and water control systems, area to be re-vegetated and
29 proposed species, 2 cross-sections (at right angles) with horizontal and
30 vertical scales the same that show the original and final topography and
31 the water table.
- 32 (b) A report by a qualified geologist, hydrologist or licensed engineer characterizing
33 the area's ground water including, but not limited to, the following information:
- 34 (i) A description of the geology and hydro-geology of the area including the
35 delineation of aquifer, aquitards, or aquicludes (confining layers), hydro-
36 geologic cross-sections, porosity and horizontal and vertical permeability
37 estimates;
- 38 (ii) Determination of the direction and velocity of ground water movement,
39 water table contour and potentiometric surface maps (for confined
40 aquifers), if applicable; and
- 41 (iii) A map containing the limits of the mine, buffer zones, location of all
42 ground water wells within 1 mile distance down gradient from the
43 property boundaries, location of all perennial streams and springs, and
44 definition or specification of locations of aquifer recharge and discharge
45 areas.
- 46 (c) The estimated quantities of all materials to be extracted.

- 1 (d) Identification of any possible Scientific Resource Sites that may be located on the
2 proposed site. Scientific Resource Sites include unique or rare occurrences of
3 rocks, minerals, or fossils that are of outstanding scientific significance. These
4 areas must be delineated on the map in Subsection (8)(a)(ii) above and the
5 proposal for preservation of the identified area(s) must be addressed.
- 6 (e) An on-site study to determine appropriate mitigation requirements for noise,
7 vibration and dust levels. The study should specify what levels the Applicant
8 deems satisfactory to mitigate off-site disturbances.
- 9 (f) An operations proposal detailing estimated frequency of blasting, estimated
10 truckloads per day, what provisions for screening and fencing are proposed, and
11 estimated hours of operation.
- 12 (g) Identification and description of those critical areas designated and regulated by
13 SCC 14.24, together with any critical areas studies that may be required by SCC
14 14.24.
- 15 (h) A completed environmental checklist.
- 16 (i) A review from Skagit County Public Works Department or Washington State
17 Department of Transportation demonstrating that roads or bridges are capable of
18 sustaining the necessary traffic for the proposed mineral extraction operation, and
19 that the proposed operation meets level-of-service, safety, and other standards as
20 outlined in the Skagit County Transportation Systems Plan, the Skagit County
21 Comprehensive Plan, and applicable State and local regulations.
- 22 (9) Hearing Examiner Review. Except as may be provided herein to the contrary, all
23 applications for mining operations special use permit shall be reviewed by the Hearing
24 Examiner under the procedures set forth in SCC 14.06. The Hearing Examiner shall
25 make a decision as to whether or not it should be approved based upon the special use
26 approval criteria and the following provisions:
- 27 (a) When reviewing an application for mining operations special use permit, the
28 Hearing Examiner should recognize that surface mining is an essential economic
29 activity and that it is not possible to extract minerals without producing some
30 environmental impacts. The Hearing Examiner shall consider all relevant
31 evidence and conditions that will mitigate detrimental impacts to the environment
32 and conditions that protect the general welfare, health and safety. The permit
33 shall be granted if the impacts are mitigatable. The burden of proof shall be on
34 the Applicant. Mitigating conditions shall be performance based, objective
35 standards that:
- 36 (i) Are directly and proportionately related to limiting surface mining
37 impacts;
- 38 (ii) Are reasonable, practicable and generally capable of being achieved by the
39 mine operator; and
- 40 (iii) Take into consideration existing and available technologies applicable to
41 mining operations.
- 42 (b) The Hearing Examiner shall consider the requirements of this Chapter as
43 minimum standards based on unique site-specific factors or conditions as
44 appropriate to protect public health, safety, and the environment.
- 45 (c) Appropriate site-specific conditions shall be required to mitigate existing and
46 potential incompatibilities between the mineral extraction operation and adjacent

1 parcels. Such limitations shall reflect the differences in potential impacts based
2 on the mineral extraction operation's location in resource, rural or urban growth
3 areas and recognize that the purpose of designating mineral resource lands is to
4 conserve mineral resource lands, allow continued operation of existing legally
5 established mining operations, and assure that use of adjacent lands does not
6 interfere with the extraction of minerals. The Hearing Examiner shall take into
7 consideration the January 1996 publication *Best Management Practices for*
8 *Reclaiming Surface Mines in Washington and Oregon*, published jointly by the
9 Oregon Department of Geology and Mineral Industries and the Washington State
10 Department of Natural Resources, Ch. 3, Operation and Reclamation Strategies,
11 in determining appropriate mitigation requirements for operational impacts.

12 (d) Appropriate site-specific conditions shall be required to mitigate storm water
13 runoff and erosion impact. The Hearing Examiner shall take into consideration
14 the January 1996 publication *Best Management Practices for Reclaiming Surface*
15 *Mines in Washington and Oregon*, published jointly by the Oregon Department of
16 Geology and Mineral Industries and the Washington State Department of Natural
17 Resources, Ch. 2, Storm Water and Erosion Control, and the National Pollutant
18 Discharge Elimination System (NPDES) Surface Water Protection requirements
19 in determining appropriate conditions for mitigating storm water and erosion
20 impacts.

21 (e) The Hearing Examiner shall consider public interests such as fishing, boating,
22 hiking and camping when reviewing a mining operations special use permit, and
23 may impose mitigating measures as necessary and appropriate.

24 (10) Operating Standards or Requirements.

25 (a) Site area and width. When the activity includes both extraction and on-site
26 mineral crushing or mineral processing including asphalt or concrete batching and
27 asphalt or concrete recycling, the site area shall be a minimum, of 20 acres. There
28 shall be a minimum lot width of 500 feet for crushing or processing activities.
29 Operations that are limited to extraction and transportation shall comply with
30 dimensional standards of the underlying zone.

31 (b) Buffers.
32 (i) A minimum 200-foot buffer shall be required between on-site crushing,
33 processing, or recycling activities and adjacent properties for the site as a
34 condition for the issuance of a mining operations special use permit.
35 (ii) Adjacent properties are required to maintain a 200-foot buffer from the
36 mineral resource designated land or sign a nuisance waiver to reduce the
37 200-foot buffer. In the case of a pre-existing structure located in the
38 buffer of adjacent property, the required buffer shall be established on the
39 mineral resource designated land.
40 (iii) A minimum 100-foot buffer shall be required for the site where operations
41 are limited to the extraction and transportation of minerals. Once the
42 extraction and transportation operations have been completed, the material
43 in the buffer may be utilized during reclamation.

44 (c) Maximum permissible noise levels. Maximum permissible noise levels shall be
45 according to the provisions of the WAC 173-60, Maximum Environmental Noise
46 Levels.

- 1 (d) Blasting. Blasting shall be restricted to daylight hours when the mineral
2 extraction operation is within 1/4 mile of a residential area with a greater density
3 than 1 dwelling unit per 10 acres. The Hearing Examiner may otherwise set
4 blasting hours and conditions based on site-specific circumstances. Except in the
5 case of emergencies declared by civil authorities, blasts should be scheduled for
6 regular and predictable times.
- 7 (e) Vertical Limitations/Aquifer Protection.
- 8 (i) Surface mining shall be vertically limited to only one aquifer unless
9 approved by the Washington State Department of Ecology. Hydrological
10 barriers separating aquifers shall not otherwise be disturbed.
- 11 (ii) Activities related to mineral extraction and processing operations in the
12 vicinity of aquifers must provide safeguards including containment to
13 prevent direct contamination to the open aquifers and indirect
14 contamination through infiltration of mining operation pollutants.
- 15 (iii) Imported material shall not be used as a backfill for mine sites where an
16 aquifer has been breached.
- 17 (iv) Disturbed aquifers should be reclaimed as ponds or lakes and/or wetlands.
- 18 (v) Additional buffers and setbacks may be required beyond those listed in
19 Subsection (10)(a-b) above, if necessary, to prevent over-excavation when
20 mining in an aquifer.
- 21 (vi) All relevant provisions of the Critical Areas Ordinance, SCC 14.24, for
22 aquifer protection shall be met.
- 23 (f) Surface Water Protection. All mineral and aggregate sites shall meet the
24 minimum requirements of SCC 14.32, as well as all pertinent requirements of the
25 Washington State Department of Ecology, the Department of Natural Resources,
26 Department of Fish & Wildlife and other State and Federal regulations regarding
27 surface water protection.
- 28 (i) Storage pond systems for holding processing waters shall be designed to
29 preclude untreated discharge to natural streams or surface waters, unless
30 the discharges are otherwise regulated and allowed by a State or Federal
31 government agency.
- 32 (ii) The flow of natural runoff from extraction sites shall be dispersed or
33 regulated such that soil erosion on receiving lands is prevented.
- 34 (g) Bench/Terrace. Benches shall be back-sloped and shall be established at not more
35 than 40-foot intervals to control surface drainage and debris. Swales or ditches on
36 benches shall have a maximum gradient of 5%.
- 37 (h) Reclamation. Reclamation of surface mining sites shall be in accordance with the
38 requirements of the State Department of Natural Resources. Reclamation
39 activities shall not allow land filling unless sites comply with WAC 304, WAC
40 173-351, SCC 12.16, other relevant State, and Federal regulations. If the
41 operation is not subject to the State Department of Natural Resources permitting
42 requirements, the following minimum standards shall apply. All reclaimed slopes
43 shall:
- 44 (i) Have a varied steepness;
- 45 (ii) Have a natural appearance in both profile and plan view;
- 46 (iii) Have no large rectilinear topographic elements;

- 1 (iv) Not exceed 2 horizontal to 1 vertical except as necessary to blend with
- 2 natural adjacent slopes;
- 3 (v) Be compacted if significant back-filling is required to produce the final
- 4 reclaimed slope;
- 5 (vi) Provide measures to establish a beneficial wetland where a lake pond or
- 6 swamp is created; and
- 7 (vii) Place topsoil and re-vegetate as necessary to stabilize slopes and controls
- 8 erosion.
- 9 (i) Hours of operation. Hours of operation shall vary according to the location of the
- 10 site as stated below and may be shortened by the Hearing Examiner based on site-
- 11 specific circumstances:
- 12 (i) Within designated natural resource lands, the hours of operation may be
- 13 unlimited. The Hearing Examiner may limit hours of operation to daylight
- 14 hours or to such other reasonable limitation deemed necessary to address
- 15 potential significant adverse impacts to existing adjacent land uses, on any
- 16 portion of the mining site where mining activity is proposed to occur less
- 17 than 1/4 mile from existing Rural Intermediate, Rural Village, or Urban
- 18 Growth Area designated lands;
- 19 (ii) Within rural lands, the hours of operation shall be from dawn to dusk;
- 20 (iii) Within urban growth areas and rural villages, the hours of operation shall
- 21 be from 8AM to 5PM, Monday-Saturday; and
- 22 (iv) During emergencies, restrictions on hours of operation can be suspended
- 23 by the Board of County Commissioners pursuant to the lawful procedures
- 24 for declaring an emergency.
- 25 (j) Chemical Leach Mining. Chemical leach mining shall not be allowed.
- 26 (k) Responsibility. The landowner(s) and operator(s) shall be held jointly responsible
- 27 for the operation of a mineral extraction site.
- 28 (l) Metals mining shall be regulated by RCW 78.56, Metals Mining and Milling Act.
- 29 (11) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest
- 30 of the Skagit County Code.

31
32 **14.16.500 Public Open Space of Regional/Statewide Importance (OSRSI).**

- 33 (1) Purpose. The purpose of the Public Open Space district is to provide a zoning
- 34 designation for lands in public ownership that are dedicated or reserved for public
- 35 purposes or enjoyment for recreation, scenic amenities, or for the protection of
- 36 environmentally sensitive areas. This district encompasses public open space having
- 37 Statewide and regional importance. For example, the following State parks are
- 38 designated in this zoning designation: Bayview, Burroughs Island, Cypress Island,
- 39 Deception Pass, Hope Island, Huckleberry Island, Ika Island, Larrabbe, Rasar, Rockport,
- 40 Saddlebag Island, and Skagit Island. Also, Glacier Peak Wilderness, Noisy Diobsud
- 41 National Park, portions of the Northern State Recreation Area, PUD #1 Judy Reservoir,
- 42 North Cascades National Park, Ross Lake National Recreation Area, Ross Lake National
- 43 Recreation Area, City of Seattle dam mitigation lands, and Skagit Wildlife Refuge are
- 44 included in this district.

- 1 (2) There may be Federal or State regulations or limitations which may further limit the use
2 of some OSRSI designated facilities. In addition, the County may not have jurisdiction
3 over some OSRSI designated facilities.
- 4 (3) Permitted Uses.
- 5 (a) Historic sites open to the public.
- 6 (b) Parks that showcase significant historic, archaeological, scientific, cultural and/or
7 unique natural features, unusual landscape features such as cliffs and bluffs or
8 natural processes on wetlands and tidal actions.
- 9 (c) Public open space areas of regional and Statewide importance including County,
10 State and Federal parks, recreational areas, and interpretive centers, wildlife
11 management areas, including those that provide linkages between neighborhood
12 and community parks.
- 13 (d) Single-family dwelling unit for on-site resident park manager.
- 14 (e) Trails or educational enterprises designed to offers special access to natural
15 resource-based and recreational opportunities on lakes, creeks, streams, river
16 corridors, shorelines, and areas with prominent views.
- 17 (4) Administrative Special Uses.
- 18 (a) Campgrounds, destination.
- 19 (b) Campgrounds, developed.
- 20 (c) Campgrounds, primitive.
- 21 (d) Docks.
- 22 (e) Expansion of existing major public facilities up to 3,000 square feet.
- 23 (f) In remote areas only, such as east of Concrete and on saltwater islands without
24 ferry service, employee housing sufficient to operate the OSRSI operation.
- 25 (g) Minor public facilities.
- 26 (h) Minor utility developments.
- 27 (i) Outdoor recreation facilities.
- 28 (j) Personal wireless services towers, subject to SCC 14.16.720.
- 29 (k) Roadside stands not greater than 300 square feet.
- 30 (l) Stables/riding clubs.
- 31 (m) Temporary outdoor events.
- 32 (n) Trails and primary and secondary trailheads.
- 33 (o) Water diversion structure.
- 34 (5) Hearing Examiner Special Uses.
- 35 (a) Animal preserve.
- 36 (b) Golf course.
- 37 (c) Impoundment.
- 38 (d) Marinas not greater than 20 slips.
- 39 (e) Major public facilities and expansions of existing major public facilities, 3,000
40 square feet and greater.
- 41 (f) Major utility development.
- 42 (g) Parks, community.
- 43 (h) Racetrack, recreational.
- 44 (i) Shooting club, outdoor.
- 45 (6) Dimensional Standards. No minimum lot size where the proposed development can meet
46 the requirements of the Skagit County Code.

- 1 (a) Setbacks:
- 2 (i) Front: 35 feet.
- 3 (ii) Side and rear: 35 feet.
- 4 (b) Maximum Height: Subject to the Skagit County Building Code.
- 5 (i) The height of personal wireless services towers are regulated in SCC
- 6 14.16.720.
- 7 (7) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest
- 8 of the Skagit County Code.
- 9

10 **14.16.600 Unclassified Use Permit.**

- 11 (1) Purpose. The purpose of the unclassified use permit is to provide a siting and review
- 12 process for major, regional facilities with potential significant built and natural
- 13 environmental impacts on the surrounding area. Unclassified uses are typically major
- 14 facilities with a presence that may impact or alter the character of the community. They
- 15 include most of the more intensive uses considered to be “essential public facilities” in
- 16 RCW 36.70A.200. The intent of the unclassified use permit is to not only review
- 17 potential impacts of a proposal and apply appropriate conditions, but also to evaluate on a
- 18 more fundamental level whether the proposed use is appropriate at a given location,
- 19 based on conformance with the applicable criteria. The listing of possible zones for
- 20 unclassified uses to be located in, as in Subsection (2) below, does not presume that a
- 21 specific use in a given location will be determined to be appropriate through the
- 22 unclassified use permit process.
- 23 (2) Applicability: Unclassified uses include but are not limited to the following list.
- 24 Included in parentheses are the zones in which a specific unclassified use may be
- 25 considered:
- 26 (a) State and Regional Correctional Facilities (SF-NRL, RRc-NRL, RRv).
- 27 (b) Power generation facilities (IF-NRL, SF-NRL, RRc-NRL, BR-HI).
- 28 (c) Oil and gas extraction (IF-NRL, SF-NRL, RRc-NRL).
- 29 (d) Solid Waste Handling Facility (SF-NRL, RRc-NRL, BR-HI, BR-I).
- 30 (e) Regional wastewater treatment facilities (SF-NRL, RRc-NRL, RRv, BR-HI).
- 31 (f) Regional racetracks (RRv, BR-I, BR-HI).
- 32 (g) Fairgrounds (RRv).
- 33 (h) Stadiums/Arenas (RRc-NRL, RRv, BR-I, BR-HI).
- 34 (i) Colleges/State Educational Facilities (SF-NRL, RRc-NRL, RRv).
- 35 (j) Regional transportation facilities (SF-NRL, RRc-NRL, RRv, BR-I, BR-HI).
- 36 (k) In-patient substance abuse and mental health facilities (RRv).
- 37 (l) Hospitals (RRv, RI, BR-I).
- 38 (m) Regional Performing Center (RRv, RI, RVR, BR-I).
- 39 Additional unclassified uses may be determined by the Administrative Official.
- 40 (3) Process. An unclassified use application shall be reviewed under the same process as a
- 41 Comprehensive Plan Amendment, found in SCC 14.08.020.
- 42 (4) Application Requirements. An unclassified use application shall provide the same
- 43 submittal materials as a rezone, found in SCC 14.16.900 and SCC 14.08.020. An
- 44 unclassified use permit shall also include an alternative site analysis evaluating at least 3
- 45 other alternative sites for the proposed facility.

- 1 (5) Approval Criteria. The burden of proof shall be on the Applicant to provide evidence in
2 support of the application. The criteria for approval or denial shall include the following
3 elements:
- 4 (a) The characteristics of the unclassified use will not be unreasonably incompatible
5 with the types of uses permitted in surrounding areas;
 - 6 (b) The proposed unclassified use will not create undue noise, odor, heat, vibration,
7 air and water pollution impacts on surrounding existing or potential dwelling
8 units;
 - 9 (c) The unclassified use will not materially endanger the health, safety and welfare of
10 the community;
 - 11 (d) The unclassified use is such that pedestrian and vehicular traffic associated with
12 the use will not be hazardous or conflict with existing and anticipated traffic in the
13 local area;
 - 14 (e) The unclassified use will be supported by adequate public facilities or services
15 and will not adversely affect public services to the surrounding area or conditions
16 can be established to mitigate adverse impacts;
 - 17 (f) The location, size and height of buildings, structures, walls and fences and
18 screening vegetation for the unclassified use shall not hinder or discourage the
19 appropriate development or use of neighboring properties;
 - 20 (g) The unclassified use is not in conflict with the policies of the Comprehensive
21 Plan, the Comprehensive Plans of adjacent jurisdictions that may be affected by
22 the use, or the basic purposes of this Title. In particular, the factors of Capital
23 Facilities Element policies 5.4.2, 5.4.3, and 5.8, and Essential Public Facilities
24 Policy 3.2 shall be addressed;
 - 25 (h) For unclassified uses outside of urban growth areas, extension, construction, or
26 maintenance of urban services and facilities is not required, unless no practicable
27 alternative exists;
 - 28 (i) No feasible alternative sites which better meet the requirements of these criteria;
 - 29 (j) The need for the unclassified use at a specific location is necessary, taking into
30 account region-wide distribution of facilities and the capacity and location of
31 equivalent facilities;
 - 32 (k) For unclassified uses in or adjacent to IF-NRL, SF-NRL, AG-NRL, and RRc-
33 NRL zoned lands, the impacts on the long-term natural resource management and
34 production will be minimized;
 - 35 (l) For State-owned essential public facilities, the State shall provide justification for
36 the facility and its location in Skagit County based on forecasted needs and a
37 logical service area; and
 - 38 (m) For State-owned essential public facilities, the State shall have established a
39 public process by which the residents of the County and of affected and “host”
40 municipalities have a reasonable opportunity to participate in the site selection
41 process.
- 42 (6) Conditions of Approval. If approved, conditions of approval for the unclassified use
43 shall include conditions of approval which address the criteria listed above and the
44 following:
- 45 (a) Accessibility;
 - 46 (b) Transportation needs and services;

- 1 (c) Supporting public facility and public service needs and the availability thereof;
- 2 (d) Site design;
- 3 (e) Time required for construction;
- 4 (f) Control of on-site and off-site impacts during construction;
- 5 (g) Facility operations;
- 6 (h) Impacts on critical areas;
- 7 (i) Maintenance of standards congruent with applicable governmental regulations,
- 8 particularly as they may change and become more stringent over time; and
- 9 (j) Expediting and streamlining necessary governmental approvals and permits.

10
11 **14.16.700 Special Use Matrix.**

12 A matrix is available at the Planning and Permit Center showing the various special uses allowed
13 in various zones. This matrix is intended as an aid to provide a general understanding about the
14 special uses which may be allowed in specific zones. The matrix does not include detailed
15 requirements, which are reflected in the text of the zone.

16
17 **14.16.710 Accessory Dwelling Units.**

- 18 (1) Requirements for Accessory Dwelling Units. One accessory dwelling unit is permitted as
19 accessory to an existing single-family dwelling provided that the following requirements
20 are met:
 - 21 (a) Owner occupancy. Either the principal unit of the single-family dwelling or the
22 accessory dwelling unit must be occupied by an owner of the property or an
23 immediate family member of the property owner.
 - 24 (b) No more than one family as defined in the Uniform Building Code shall be
25 allowed to occupy an accessory dwelling unit.
 - 26 (c) Subdivision. Accessory dwelling units shall not be subdivided or otherwise
27 segregated in ownership from the principal unit of the single-family dwelling,
28 unless allowed by the zoning.
 - 29 (d) Size and scale. The square footage of the accessory dwelling unit shall be the
30 minimum allowed by the building code and a maximum of 900 square feet
31 excluding any garage area; provided, however, the square footage of the
32 accessory dwelling unit shall not exceed 50% of the total square footage of the
33 principal unit of the single-family dwelling excluding the garage area as it exists
34 or as it may be modified.
 - 35 (e) Location. The accessory dwelling unit may be attached to, included within the
36 principal unit of the single-family dwelling, or located in a detached structure.
37 All requirements of the Uniform Building Code regarding fire separation shall be
38 met.
 - 39 (f) Entrances. The principal unit of the single-family dwelling containing the
40 accessory dwelling unit shall have only one obvious entrance visible to the street
41 except where more than one entrance existed on or before adoption of this
42 Ordinance.
 - 43 (g) Additions. Additions to an existing structure or newly constructed detached
44 structures created for developing an accessory dwelling unit shall be designed
45 consistent with the existing roof pitch, siding and windows of the principal
46 dwelling unit.

- 1 (h) Parking. 3 off-street parking spaces shall be provided for the combination of the
- 2 main and accessory dwelling units.
- 3 (i) Application. The property owner shall apply for an accessory dwelling permit
- 4 with the Skagit County Planning and Permit Center. The application shall include
- 5 an affidavit signed by the property owner affirming that the owner or an
- 6 immediate family member will occupy the principal dwelling unit or accessory
- 7 dwelling unit for more than 6 months per year.
- 8 (j) Recording requirements. Approval of the accessory dwelling unit shall be subject
- 9 to the Applicant recording a document with the Skagit County Auditor prior to
- 10 approval which runs with the land and identifies the address of the property, states
- 11 that the owner(s) resides in either the principal dwelling unit or the accessory
- 12 dwelling unit, includes a statement that the owner(s) will notify any prospective
- 13 purchasers of the limitations of this Chapter, and provides for the removal of the
- 14 accessory dwelling unit by the current owner if any of the requirements of this
- 15 Chapter are violated.
- 16 (k) Elimination/Expiration. Elimination of an accessory dwelling unit may be
- 17 accomplished by the following:
- 18 (i) The owner shall obtain either a demolition permit or a change of use
- 19 permit.
- 20 (ii) The owner shall record a certificate with the Skagit County Auditor's
- 21 Office stating that the accessory dwelling unit no longer exists on the
- 22 property and that a final inspection has been performed by the Skagit
- 23 County Planning and Permit Center.
- 24

25 **14.16.720 Personal Wireless Services Facilities.**

- 26 (1) Purpose. These standards were developed to protect the public health, safety and welfare,
- 27 to protect property values and minimize visual impact while furthering the development
- 28 of enhanced wireless telecommunications services in the County. These standards were
- 29 designed to comply with the Telecommunications Act of 1996. The Board of County
- 30 Commissioners finds that the promulgation of this Section is warranted and necessary:
- 31 (a) To manage the location of towers and antennas in the County;
- 32 (b) To protect residential areas and land uses from adverse impacts of towers;
- 33 (c) To minimize adverse visual impacts of towers through careful design, siting,
- 34 landscape screening and innovative camouflaging techniques;
- 35 (d) To accommodate an increased need for towers/antennas to serve the wireless
- 36 communication needs of County residents;
- 37 (e) To promote and encourage co-location on existing and new towers as an option
- 38 rather than construction of additional single-use towers and to reduce the number
- 39 of such structures needed in the future;
- 40 (f) To consider the public health and safety of towers to the extent permitted by the
- 41 Telecommunications Act of 1996; and
- 42 (g) To avoid potential damage to adjacent properties through sound engineering
- 43 practices and the proper siting of antenna support structures.
- 44 (2) Tower Sites on Lots with Other Uses.
- 45 (a) For the purposes of this Title, personal wireless services and facilities shall be
- 46 considered utilities. A communication tower may be located on a lot utilized for

1 other uses on a parcel smaller than the minimum lot size required in the zoning
2 district. This parcel shall be identified as the "tower site." The tower site shall be
3 subject to the requirements of SCC 14.16.720, but not the requirements of SCC
4 14.18 (Land Division).

5 (b) A wireless service provider shall provide documentation that permission has been
6 granted for the use of an easement for a "tower site." Such easement areas shall
7 be shown on the site plan. Documentation of the recording of the easement shall
8 be required prior to the issuance of the building permit.

9 (3) Intent. The intent of this Section is to provide specific regulations for the placement,
10 construction and modification of personal wireless service facilities. The provisions of
11 this Section are not intended to and shall not be interpreted to prohibit or to have the
12 effect of prohibiting the provision of personal wireless services, nor shall the provisions
13 of this Section be applied in such a manner as to unreasonably discriminate between
14 providers of functionally equivalent personal wireless services.

15 (4) Interpretation. To the extent that any provision or provisions of this Section is
16 inconsistent or in conflict with any other provision of the County code or any ordinance
17 of the County, the more restrictive provisions(s) shall control.

18 (5) Siting Goals. The County has been confronted with increasing frequency with requests to
19 site towers and antennas. Thus, the County has established the following goals to guide
20 the siting of towers and antennas:

21 (a) Enhance the ability of personal wireless service providers to provide such services
22 throughout the County quickly, effectively and efficiently;

23 (b) Encourage personal wireless service providers to locate towers and antennas in
24 non-residential areas;

25 (c) Minimize the total number of towers throughout the County;

26 (d) Encourage personal wireless service providers to co-locate on new and existing
27 tower sites; and

28 (e) Encourage personal wireless service providers to locate towers and antennas in
29 areas where the adverse visual impact on County residents is minimal.

30 (6) Co-Location Encouraged. To minimize adverse visual impacts associated with the
31 proliferation of towers, co-location of personal wireless service facilities on existing or
32 new towers is encouraged as follows:

33 (a) Providers shall and are encouraged to co-locate onto towers provided such co-
34 location is accomplished in a manner consistent with the policy, site criteria,
35 landscaping/screening and all other provisions contained in this Section, then such
36 co-locations are permitted by right and new or additional special use permit
37 review approval is not required, except that any other permit, license, lease, or
38 franchise requirements must be satisfied.

39 (b) The County will not consider an application complete to construct new facilities
40 unless the Applicant has shown that it has made a diligent effort to mount the
41 facilities on an existing structure or tower that is within a 2,500-foot radius of the
42 chosen site.

43 (c) When co-location on an existing facility is not feasible:

44 (i) An Applicant's site plan shall reserve an area for other providers'
45 equipment near the base of the Applicant's tower; and

- 1 (ii) The site plan for towers in excess of 100 feet must propose space for a
2 minimum of 2 additional providers, while the site plan for towers 100 feet
3 or less must propose space for a minimum of 1 additional provider.
- 4 (d) To provide further incentive for co-location, an existing tower may be modified as
5 a matter of right to accommodate co-location without new or additional special
6 use permits. The following conditions shall also be met:
- 7 (i) Height: An existing tower may be modified or rebuilt to a taller height,
8 not to exceed 20 feet over the tower's existing height and subject to the
9 other provisions of this Section. The height change may occur only once
10 per tower.
- 11 (ii) No banners or similar materials may be attached to the tower, antenna
12 support structure or antenna.
- 13 (e) The Applicant must submit detailed plans to the Planning and Permit Center for
14 an administrative review to determine if the special use permit review process and
15 public hearing can be waived. No building permit will be issued until approval is
16 granted through the administrative review of the co-location.
- 17 (7) Cooperation. No personal wireless services provider or lessee or agent thereof shall act
18 to exclude or attempt to exclude any other personal wireless services provider from using
19 the same building, structure or location. Personal wireless service providers or lessees or
20 agents thereof shall cooperate in good faith to achieve co-location of personal wireless
21 service facilities and equipment with other personal wireless service providers. If a
22 dispute arises about the feasibility of co-locating, the County may require a third party
23 technical study at the expense of either or both parties to resolve the dispute.
- 24 (8) Guidelines for Third Party Review. The personal wireless services providers use various
25 methodologies and analysis tools, including geographically-based computer software, to
26 determine the specific technical parameters of personal wireless services, such as
27 expected coverage area, antenna configuration and topographic constraints that affect
28 signal paths. In certain instances there may be a need for expert review by a third party
29 of the technical data submitted by the personal wireless services provider. The County
30 may require such technical review to be paid for by the Applicant for the personal
31 wireless service facilities. The selection of the third party expert shall be by mutual
32 agreement between the Applicant and the County or at the discretion of the County. The
33 expert review is intended to be a site-specific review of technical aspects of the personal
34 wireless service facilities and not a subjective review of the site selection. Such a review
35 should address the accuracy and completeness of the technical data, possible interference
36 problems and whether the analysis techniques and methodologies are legitimate. A
37 determination on the validity of the Applicant's conclusions, and any specific technical
38 issues outlined by the Board of County Commissioners, Planning and Permit Center,
39 County staff or other interested parties shall be made. Based on the results of the third
40 party review, the County may require changes to the application for the personal wireless
41 service facilities that comply with the recommendations of the expert.
- 42 (9) Site Selection Criteria. The following site selection criteria shall govern the issuance of
43 permits and must be demonstrated by the Applicant:
- 44 (a) Any Applicant proposing to construct an antenna support structure, or mount an
45 antenna on an existing structure, shall demonstrate by a propagation map that the
46 facility must be located at the site to satisfy its function in the Applicant's grid

- 1 system. An analysis by an engineer documenting these demonstrations shall
 2 accompany the propagation maps.
- 3 (b) Further, the Applicant must demonstrate by a propagation map that the height
 4 requested is the minimum height necessary to fulfill the site's function within the
 5 Applicant's grid system. An analysis by an engineer documenting these
 6 demonstrations shall accompany the propagation maps.
- 7 (c) Personal wireless service facilities shall be located and designed to minimize
 8 adverse impact on residential property values. Facilities shall be placed in
 9 locations where the existing topography, vegetation, buildings or other structures
 10 provide the greatest amount of screening.
- 11 (10) Priority of Locations. The order of priorities for locating new personal wireless service
 12 facilities shall be as follows, and the Applicant shall demonstrate that all other locations
 13 with a higher priority on the list are not feasible:
- 14 (a) Co-locate on existing antenna support structures.
- 15 (b) Place in districts zoned Bayview Ridge Industrial (BR-I), Bayview Ridge Heavy
 16 Industrial (BR-HI), Natural Resources Industrial (NRI), Industrial Forest-Natural
 17 Resource Lands (IF-NRL), Rural Marine Industrial (RMI), Rural Village
 18 Commercial (RVC), Rural Business (RB), Open Space Regional Statewide
 19 Importance (OSRSI), Master Planned Resort (MPR) and Rural Freeway Services
 20 (RFS) districts.
- 21 (c) Place on appropriate rights-of-way and existing structures such as buildings,
 22 towers, water towers and smokestacks located on non-residentially zoned
 23 property.
- 24 (d) Place on public property if practical, i.e., Skagit County property, fire halls, etc.
- 25 (e) Place on other property, i.e., Secondary Forest-Natural Resource Lands
 26 (SF-NRL), Agricultural-Natural Resource Lands (Ag-NRL), and Rural Resource-
 27 Natural Resource Lands (RRc - NRL).
- 28 (f) Place in view sheds and corridors.
- 29 (g) Place on property in Rural Reserve (RRv), Rural Center (RC), Cottage
 30 Industry/Small Scale Business (CSB), Small Scale Recreation and Tourism
 31 (SRT), and Rural Intermediate (RI).
- 32 (h) Place on Rural Village Residential (RVR).
- 33 (11) Requirements for Siting on Skagit County Property. The Skagit County Board of
 34 Commissioners reserves the right to deny the use of any or all County-owned property by
 35 any or all Applicants for as siting locations. Consideration of the use of property that is
 36 owned or otherwise controlled by Skagit County by rent, lease, rights-of-way, easement,
 37 etc., will be the following:
- 38 (a) Priority of use. Where Skagit County property is sought to be utilized by an
 39 Applicant for the siting of personal wireless service facilities, priority will be
 40 given to the following entities in descending order:
- 41 (i) Skagit County.
- 42 (ii) Public safety agencies including law enforcement, fire, and ambulance
 43 services which are not part of Skagit County, and private entities with a
 44 public safety agreement with Skagit County.
- 45 (iii) Other governmental agencies for uses which are not related to public
 46 safety.

- 1 (iv) Other entities providing or using personal wireless services.
- 2 (b) Minimum requirements for siting on Skagit County property. The placement of
- 3 personal wireless service facilities on Skagit County property shall comply with
- 4 the following special requirements in addition to the other requirements of this
- 5 Section:
- 6 (i) The facilities will not interfere with the purpose for which the County-
- 7 owned property is intended;
- 8 (ii) The Applicant is to obtain adequate liability insurance and commit to a
- 9 lease agreement that includes equitable compensation for the County;
- 10 (iii) The Applicant will submit a letter of credit, performance bond or other
- 11 security acceptable to the County to cover the costs of removing the
- 12 facilities;
- 13 (iv) The facilities will not interfere with other users who have a higher priority
- 14 as discussed under SCC 14.16.720(10);
- 15 (v) The Applicant must reimburse the County for any related costs that the
- 16 County incurs because of the presence of the Applicant's facilities; and
- 17 (vi) The Applicant must obtain all necessary land use approvals.
- 18 (c) Special requirements. The use of certain County-owned property, including
- 19 public utility structures or facilities for personal wireless service facilities, brings
- 20 with it special concerns due to the unique nature of those sites. The placement of
- 21 personal wireless service facilities on certain County-owned sites is allowed only
- 22 when the following additional requirements are met:
- 23 (i) Public utility structures or facilities. The County's public utility structures
- 24 and facilities represent a large public investment. Protection of the
- 25 County's public utility structures and facilities is of prime importance to
- 26 the County. For these reasons, the placement of personal wireless service
- 27 facilities on public utility structures or facilities may be allowed only
- 28 when the County is fully satisfied that the following requirements are met:
- 29 a) There is sufficient room on the structure and/or on the grounds to
- 30 accommodate the Applicant's personal wireless service facilities;
- 31 b) The presence of the Applicant's personal wireless service facilities
- 32 will not increase the maintenance cost to the County;
- 33 c) The presence of the Applicant's personal wireless service facilities
- 34 will not be harmful to the safety of County workers maintaining
- 35 the public utility structures or facilities, nor be harmful to the
- 36 safety of the Applicant's workers; and
- 37 d) The intended use will cause no interference with the primary
- 38 purpose of the public utility structures or facilities.
- 39 (ii) The use of County-owned parks for personal wireless service facilities
- 40 brings with it special concerns due to the unique nature of these sites. The
- 41 placement of personal wireless service facilities in a park will be allowed
- 42 only when the following additional requirements are met:
- 43 a) The Skagit County Parks and Recreation Department has reviewed
- 44 and made a recommendation regarding the proposed personal
- 45 wireless service facilities to be located in a park, and this

1 recommendation must be forwarded to the County official
2 authorized to take action on the proposal.

3 b) Personal wireless service facilities shall not be allowed in
4 designated critical areas unless they are co-located with existing
5 facilities.

6 c) Personal wireless service facilities may only be located in public
7 parks if screening as regulated in Subsection (16) of this Chapter
8 minimizes visual and noise impacts, and normal public use will not
9 be disrupted.

10 d) Personal wireless service facilities may be located in park
11 maintenance facilities.

12 (12) General Requirements. The following general requirements shall apply to towers and
13 antennas construction:

14 (a) New uses. All new applications for antennas and towers filed after the adoption
15 of this Ordinance shall comply with this Section.

16 (b) Existing uses. All towers and antennas existing on the date of passage of this
17 Section shall be allowed to continue as they presently exist. Routine maintenance
18 shall be permitted on existing towers and antennas. However, new construction
19 other than routine maintenance on existing towers, antennas, buildings or other
20 facilities shall comply with the provisions set forth in this Section.

21 (c) Permits required. Permits are required for all personal wireless service facilities
22 as follows:

23 (i) Building permits shall be required for co-location or expansion projects on
24 existing towers located within any zoning district. For the purposes of this
25 Subsection only, a building permit does not trigger a development permit
26 application for a shoreline substantial development permit under SCC
27 14.26 when the application is to co-locate on an existing antenna support
28 structure.

29 (ii) Building permits shall be required for new construction projects located
30 within the Bayview Ridge Industrial (BR-I), Bayview Ridge Heavy
31 Industrial (BR-HI), Natural Resources Industrial (NRI), Industrial Forest-
32 Natural Resource Lands (IF-NRL), Rural Marine Industrial (RMI), and
33 Rural Freeway Services (RFS) districts.

34 (iii) Building permits and administrative special use permits shall be required
35 for projects located within the Rural Village Commercial (RVC), Rural
36 Center (RC), Rural Business (RB), Agricultural (Ag-NRL), Secondary
37 Forest (SF-NRL), Rural Resource (RRc-NRL), Public Open Space of
38 Regional/State Importance (OSRSI), and the Master Planned Resort
39 (MPR) zones and on projects located within the (c), (d), (e) and (f) priority
40 locations of Subsection (10) of this Chapter.

41 (iv) Building permits and Hearing Examiner special use permits shall be
42 required for projects located within the Rural Intermediate (RI), Rural
43 Village Residential (RVR), Rural Reserve (RRv), Cottage Industry/Small
44 Scale Business (CSB) and Small Scale Recreation and Tourism (SRT)
45 zoning districts and for (g) and (h) priority locations of Subsection (10) of
46 this Chapter.

- 1 (d) Inspection required. Each year after a personal wireless service facility becomes
2 operational, the facility operator shall conduct a safety inspection and file a report
3 with the County within 60 days of the inspection. This requirement shall be a
4 condition of any permit.
- 5 (e) Noise regulations. Noise from air conditioners or other equipment associated
6 with personal wireless service facilities and appurtenant structures shall not
7 exceed 45dBA "EDNA" (WAC 173-60 Maximum Environmental Noise Levels)
8 at the adjacent residential property line, except for emergency situations requiring
9 the use of a backup generator where the noise standards may be exceeded on a
10 temporary basis.
- 11 (f) Federal requirements. All towers and antennas must meet or exceed current
12 standards and regulations of the FAA, the FCC and any other agency of the
13 Federal government with the authority to regulate towers and antennas. If such
14 standards and regulations are changed, then the personal wireless services
15 providers governed by this Section shall bring such towers and antennas into
16 compliance within the timelines provided by the revised standards and
17 regulations. The revised standards and regulations are not retroactively applicable
18 to existing providers unless otherwise provided or permitted by Federal law.
19 Failure to bring towers and antennas into compliance with such revised standards
20 and regulations shall constitute grounds for the County to remove the provider's
21 facilities at the provider's expense.
- 22 (13) Tower Design/Noise Criteria. New personal wireless service facilities shall be designed
23 to accommodate co-location unless the Applicant demonstrates why such design is not
24 feasible for economic, technical or physical reasons. Thus, the Applicant shall address
25 the following design criteria:
- 26 (a) View corridors. The Applicant shall provide 3-dimensional, visual simulation of
27 the facilities and other appropriate graphics to demonstrate the visual impact on
28 the view of the County's foothills, mountains and open space areas as viewed
29 from major transportation corridors or public open space. Due consideration shall
30 be given so that placement of personal wireless service facilities does not obstruct
31 or diminish these views.
- 32 (b) Setback. A tower's setback shall be measured from the base of the tower to the
33 property line of the parcel on which it is located. In the Rural Village Residential
34 (RVR) zoning district and in land use areas where residential uses are permitted
35 or existing, towers where permitted shall be set back from all property lines a
36 distance equal to 100% of the tower height as measured from ground level. All
37 other towers shall comply with the minimum setback requirements of the zoning
38 district in which they are located.
- 39 (c) Lights, signals and signs. No signals, lights or signs shall be permitted on towers
40 unless required by the FCC or the FAA.
- 41 (d) Height. The Applicant shall demonstrate that the tower is the minimum height
42 required to function satisfactorily. No tower that is taller than this minimum
43 height shall be approved.
- 44 (e) Fencing. Security fencing no less than 6 feet in height with access through a
45 locked gate shall be required around each tower and its related equipment and
46 support structures.

- 1 (f) Required parking. If the cell site is not fully automated, adequate parking shall be
2 required for maintenance workers. If the site is automated, other arrangements for
3 adequate off-street parking shall be made and documentation thereof provided to
4 the County.
- 5 (g) Site location/integrity. Site location and development shall preserve the pre-
6 existing character of the site as much as possible. Existing vegetation should be
7 preserved or improved, and disturbance of the existing topography of the site
8 should be minimized unless such disturbance would result in less visual impact of
9 the site on the surrounding area.
- 10 (h) Structural integrity. To ensure the structural integrity of towers, the owner of a
11 tower shall ensure that it is maintained in compliance with all applicable Federal
12 standards (i.e., FCC and FAA standards), State and local regulations, and the
13 applicable standards of the Electronic Industries Association (EIA), as amended
14 from time to time.
- 15 (i) Cause for removal. If, upon inspection, the County concludes that a tower fails to
16 comply with such standards or constitutes a danger to persons or property, then
17 upon notice being provided to the owner of the tower, the owner shall have 30
18 days to bring such tower into compliance with such standards. If the owner fails
19 to bring such tower into compliance within said 30 days, the County shall notify
20 the owner that a violation has occurred.
- 21 (j) Improvements/additions. Towers shall be constructed to the EIA Standards that
22 may be amended from time to time and all applicable construction/building codes.
23 Further, any improvements or additions to existing towers shall require
24 submission of site plans stamped by a professional engineer, which demonstrate
25 compliance with the EIA Standards and all other good industry practices. Said
26 plans shall be submitted and reviewed at the time building permits are requested.
- 27 (14) Antenna Siting Criteria. Antenna on or above a structure shall be subject to the following
28 requirements:
- 29 (a) Compatibility. The antenna must be architecturally compatible with the building
30 and wall on which it is mounted, and designed and located so as to minimize any
31 adverse aesthetic impact.
- 32 (b) Height. The Applicant shall demonstrate that the antenna is the minimum height
33 required to function satisfactorily. No antenna that is taller than this minimum
34 height shall be approved unless it is co-location approved.
- 35 (c) Special use review. If a proposed antenna is to be located on a building or a lot
36 subject to a special use permit review, written County approval is required prior to
37 the issuance of a building permit for the antenna.
- 38 (d) Historic landmarks/districts. No antenna shall be permitted on property
39 designated as an historical landmark or as a part of an historic district, unless such
40 antenna has been approved in accordance with this Section and written permission
41 is obtained from the County.
- 42 (e) Roof mounting. The antenna may be mounted on the roof of a building if the
43 following additional criteria are satisfied:
- 44 (i) The County finds that it is not technically possible or aesthetically
45 desirable to mount the antenna on a wall.

- 1 (ii) No portion of the antenna or base station causes the height of the building
2 to exceed the limitations set forth herein.
- 3 (iii) Roof-mounted antennas are completely screened from view by materials
4 that are consistent and compatible with the design, color, and materials of
5 the building.
- 6 (f) Interference. No antenna shall cause localized interference with the reception or
7 transmission of any other communications signals including, but not limited to,
8 public safety, television, and radio broadcast signals.
- 9 (15) Support Facilities Design. Support facilities should be designed to complement or
10 maintain the integrity of the surrounding landscape and built environment.
- 11 (a) Compatibility. Facilities shall be architecturally compatible with the surrounding
12 buildings and land uses in the zoning district and screened or otherwise integrated
13 through location and design to blend in with the existing characteristics of the site.
- 14 (b) Color. Towers and antennas shall have a color generally matching the building,
15 surroundings or background that minimizes their visibility, unless the FCC or
16 FAA requires a different color. Muted colors, earth tones and subdued colors
17 shall be used wherever possible.
- 18 (c) Equipment structures. Ground level equipment, related base stations for mounted
19 antennas, buildings and the tower base shall be screened from public view. The
20 standards for the equipment buildings are as follows:
- 21 (i) Equipment mounted on a roof shall have a finish similar to the exterior
22 building walls. Equipment for roof-mounted antennas may also be located
23 within the building on which the antennas are mounted, subject to good
24 engineering practices.
- 25 (ii) In instances where equipment buildings are located in residential zones,
26 equipment buildings shall comply with setback requirements and shall be
27 designed so as to conform in appearance with nearby residential
28 structures.
- 29 (iii) If an accessory equipment shelter is present, it must blend with the
30 surrounding buildings in architectural character and color. The structure
31 must be architecturally and visually (color, size and bulk) compatible with
32 surrounding existing buildings, structures, vegetation and uses. Such
33 facilities will be considered architecturally and visually compatible if they
34 are adequately screened to disguise the facilities.
- 35 (16) Landscaping and Screening.
- 36 (a) Landscaping. The visual impacts of a personal wireless service facility shall be
37 mitigated through landscaping or other screening. The County may permit any
38 combination of existing vegetation, berming, topography, walls, decorative
39 fences, or other features instead of landscaping if they achieve the same degree of
40 screening as the required landscaping. Landscaping shall be required except that
41 the County may waive the standards pursuant to SCC 14.06 for those sides of the
42 facility that are not in public view:
- 43 (i) A row of evergreen trees a minimum of 10 feet tall at planting and a
44 maximum of 6 feet apart shall be planted around the perimeter of the
45 fence, or other approved landscaping or screening plan. The intent is for
46 the immediate screening of towers.

- 1 (ii) A continuous hedge at least 36 inches high at planting capable of growing
2 to at least 48 inches in height within 18 months shall be planted in front of
3 the tree line referenced above.
- 4 (iii) In the event that landscaping is not maintained at the required level, the
5 County, after giving 30 days' advance written notice, shall maintain or
6 establish the landscaping and bill both the owner and provider for such
7 costs until such costs are paid in full.
- 8 (17) Application Process. Developers of towers and antennas are encouraged to consult with
9 the Skagit County Planning and Permit Center staff prior to making application in order
10 to review the siting policies, priority of locations and to discuss the permitting process
11 and application requirements. In reviewing any application to provide personal wireless
12 services or to install personal wireless service facilities, the Planning and Permit Center
13 shall act within a reasonable period of time taking into account the nature and scope of
14 the application. Any decision to deny such an application shall be in writing and
15 supported by substantial evidence contained in a written record. The review and approval
16 process is defined in SCC 14.06 (Permit Procedures).
- 17 (18) Application Package Requirements. A complete application form provided by the
18 Planning and Permit Center, with supporting documents as required below, that contains
19 sufficient information to determine compliance with adopted rules and regulations as
20 outlined in SCC 14.16.850 shall be submitted. At the discretion of the Planning and
21 Permit Center, all personal wireless service facilities Applicants shall be required to
22 submit any combination of site plans, surveys, maps, technical reports or written
23 narratives necessary to convey the following information:
- 24 (a) Parcel description. Legal description of the parcel, including Assessor account
25 number and property identification number.
- 26 (b) Photo simulation. Photo simulations of the existing site and proposed facility
27 from all adjacent properties and public rights-of-way at a radius of 1 mile from
28 the proposed personal wireless service facility, including additional height of 20
29 feet for possible co-location. Photo simulations shall be made from a range of
30 elevations of surrounding residential areas. The photo simulation shall be coded
31 to a scaled vicinity map.
- 32 (c) Site plan. A scaled site plan showing the location, point of reference, type, height
33 and longitude and latitude of the proposed towers and antennas, existing
34 buildings, on-site land uses and zoning, adjacent land uses and zoning, adjacent
35 roadway right of ways, parking areas if applicable, proposed means of access,
36 setbacks from property lines and the approximate distance between the proposed
37 tower and the property lines. The method of fencing and, if applicable, the
38 method of camouflage, noise screening, and illumination shall be indicated. The
39 application shall also include elevation drawings of the proposed tower and any
40 other proposed structures. A vicinity map shall be included.
- 41 (d) Landscaping plan. A landscaping plan shall be prepared indicating the specific
42 placement of the facility on the site. Trees and other significant site features, the
43 type and location of plant materials used to screen the facility, and the proposed
44 color(s) of the facility shall also be indicated.
- 45 (e) Service area map. A current map showing the location of the proposed tower, the
46 locations and service areas of other personal wireless service facilities operated by

- 1 the Applicant and those proposed by the Applicant that are close enough to
2 impact service within the County.
- 3 (f) Co-location statements. A statement by the Applicant as to whether construction
4 of the tower will accommodate co-location of additional antenna(s) for future
5 users. In addition, a signed statement shall be included indicating that: (i) the
6 Applicant and landowner agree they will diligently negotiate in good faith to
7 facilitate co-location of additional personal wireless service facilities by other
8 providers on the Applicant's structure or within the same site location; and (ii) the
9 Applicant and/or landowner agree to remove the facility within 60 days after
10 abandonment.
- 11 (g) Environmental documentation. Copies of any environmental documents if
12 required by any Federal or State agency.
- 13 (h) Compliance letter. A letter signed by the Applicant stating the tower and antenna
14 will comply with all applicable Federal, State and local laws and regulations, EIA
15 standards and this Section.
- 16 (i) Co-location attempt. A narrative of the attempt to co-locate shall be included
17 which lists names and dates of parties contacted for potential co-locations. A
18 statement by the Applicant has made a diligent attempt to mount the facilities on
19 an existing tower or structure that is within a 2,500-foot radius of the chosen site.
- 20 (j) Interference certification. Certification that the antenna usage will not interfere
21 with other adjacent or neighboring transmission or reception functions of other
22 communications facilities.
- 23 (k) Licenses. The personal wireless service provider must demonstrate that the FCC
24 licenses it, if required to be licensed under FCC regulations for the provision of
25 service within the County.
- 26 (l) Lease agreements. The Applicant, if not the personal wireless services provider,
27 shall submit proof of lease agreements with an FCC-licensed personal wireless
28 services provider, if such provider is required to be licensed by FCC regulations.
- 29 (m) Use of private roads. In cases where personal wireless services facilities are to be
30 accessed by private roads which are also used to access adjoining properties,
31 permittee shall repair and maintain roads back to original (pre-facility) conditions,
32 unless all parties of interest agree to a different standard.
- 33 (n) E911 compliance. All providers shall attest to and demonstrate compliance with
34 FCC and Washington State laws relating to Emergency 911 regulations.
- 35 (o) Financial security. The application for any tower shall be accompanied by a letter
36 of credit, performance bond, or other security in an amount to be determined by
37 the County, which may be drawn upon by the County as necessary to cover the
38 costs of removal of the facility.
- 39 (p) Historic documentation. If applicable, a letter of permission from the designated
40 County Official if the site is on a National Landmark or located in a Historic
41 District.
- 42 (q) County recommendation. If the Applicant proposes to use County-owned
43 property, a letter of recommendation from the Director of the Skagit County Parks
44 and Recreation Department, Public Works Department or other applicable
45 official.
- 46 (19) Non-Use and Abandonment.

- 1 (a) Abandonment. No less than 30 days prior to the date that a personal wireless
2 services provider plans to abandon or discontinue operation of a facility, the
3 provider must notify the County by certified U.S. Mail of the proposed date of
4 abandonment or discontinuation of operations. In the event that a provider fails to
5 give notice, the facility shall be considered abandoned upon the County's
6 discovery of discontinuation of operations. Upon such abandonment, the provider
7 shall have 60 days, or an additional period of time determined in the reasonable
8 discretion of the County, within which to:
- 9 (i) Reactivate the use of the facility or transfer the facility to another provider
10 who makes actual use of the facility; or
- 11 (ii) Dismantle and remove the facility. If the tower, antenna, foundation and
12 facility are not removed within the 60-day time period, or an additional
13 period of time allowed by the County, the County may remove such tower,
14 antenna, foundation and related facility at the provider's expense. If there
15 are 2 or more providers co-locating on a facility, then this provision shall
16 not become effective until all providers cease using the facility.
- 17 (b) Responsibility. If abandonment of a facility occurs by all of the permittees,
18 licensees or owner of the tower, the owner of the tower shall remain primarily
19 responsible if the tower ceases to be used for its intended purposes by either it or
20 other permittees or licensees for the transmission or reception of personal wireless
21 services. The owner of the tower shall maintain the prescribed painting and/or
22 illumination of such tower, if applicable, until it is dismantled. The application
23 for any tower shall be accompanied by a letter of credit, performance bond or
24 other security in an amount to be determined by the County which may be drawn
25 upon by the County, as necessary, to cover the costs of removal of the facility.
- 26 (20) Upon approval of a special use permit, the subsequent completed building permit
27 application will require the following items:
- 28 (a) Parcel description. Legal description of the parcel, including Assessor account
29 number and property identification number.
- 30 (b) Site plan. A scaled site plan showing the location, point of reference, type, height
31 and longitude and latitude of the proposed towers and antennas, existing
32 buildings, on-site land uses and zoning, adjacent land uses and zoning, adjacent
33 roadway right-of-ways, parking areas, if applicable, proposed means of access,
34 setbacks from property lines and the approximate distance between the proposed
35 tower and the property lines. The method of fencing and, if applicable, the
36 method of camouflage, noise screening, and illumination shall be indicated. The
37 application shall also include elevation drawings of the proposed tower and any
38 other proposed structures.
- 39 (c) Landscaping plan. A landscaping plan shall be prepared indicating the specific
40 placement of the facility on the site. Trees and other significant site features, the
41 type and location of plant materials used to screen the facility, and the proposed
42 color(s) of the facility shall also be indicated.
- 43

1
2 **14.16.730 Home Based Business 1.**

- 3 (1) There are 2 types of Home Based Business: Home Based Business 1 and Home Based
4 Business 2. Home Based Business 2 requires a Special Use Permit, and is discussed in
5 SCC 14.16.900.
- 6 (2) Home Based Business 1 shall meet the following criteria:
- 7 (a) Is carried out exclusively by a member or members of a family residing in the
8 dwelling unit;
 - 9 (b) Is clearly incidental and secondary to the use of the property for dwelling
10 purposes, with the floor area devoted to the home occupation not exceeding 25%
11 of the living area of the dwelling unit;
 - 12 (c) Has no outside storage, no outside signs of any size or type, nor other exterior
13 indication of the home occupation or variation from the residential character of
14 the property;
 - 15 (d) Does not require the installation of heavy equipment, large power tools or power
16 sources not common to a residential dwelling;
 - 17 (e) Does not create a level of noise, vibration, smoke, dust, odors, heat or glare
18 beyond that which is common to a residential area; and
 - 19 (f) Does not have clients come to the site.
- 20 (3) It should be noted that the intent of this use category is to allow a home based business to
21 operate with the above-noted limitations. When the business grows beyond the criteria
22 established above, the business shall apply for a Home Based Business 2 (if allowed by
23 the applicable zone) or shall relocate to a zoning classification which would permit the
24 activity.

25
26 **14.16.800 Parking.**

- 27 (1) General Requirements. Off-street parking in conjunction with all land and building uses
28 established after the enactment of this Ordinance shall be provided prior to the issuance
29 of a certificate of occupancy as herein prescribed.
- 30 (a) Off-street parking for other than residential use shall be either on the same lot or
31 within 200 feet of the building it is intended to serve, except for those cases where
32 parking plans have been developed for a specific area.
 - 33 (b) Residential off-street parking space shall consist of a driveway or garage or a
34 combination thereof, and shall be located on the lot they are intended to serve.
 - 35 (c) In uses not specifically mentioned herein, off-street parking requirements shall be
36 determined by the Planning and Permit Center based on the anticipated parking
37 demand.
 - 38 (d) An Applicant may request a modification of the minimum required number of
39 parking spaces by demonstrating that parking demand can be met with a reduced
40 parking requirement. In such cases, the Administrative Official may approve a
41 reduction of up to 50% of the minimum required number of spaces as an
42 administrative decision. In areas where few cars are anticipated (such as saltwater
43 islands not served by ferry), the parking requirement may be eliminated.
 - 44 (e) Any area or number of parking spaces once designated as required off-street
45 parking shall not be reduced to less than the required number of spaces for a
46 similar new building or new use, nor changed to any other use unless and until

equal parking facilities are provided elsewhere which conform to the requirements of this Section.

- (f) 2 or more buildings or uses may collectively provide the required off-street parking, in which case, the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. If the uses, structures, or parcels are under separate ownership, a deed, lease, contract or other appropriate written document must evidence the right to joint use of the parking space.
- (g) Minimum size for a parking space shall be 8½ feet by 17 feet.
- (h) Handicapped parking spaces shall be designated and constructed in accordance with WAC 51.30, §1107 and § 1108.

(2) Number of Spaces Required. The minimum number of off-street parking shall be determined in accordance with the following table:

USE	MINIMUM NUMBER OF SPACES REQUIRED
1. Single-Family Dwelling Unit Detached/Attached	2 per Unit
2. Single-Family Dwelling Unit Detached/Attached with Accessory Dwelling Unit	3 total for combination of main Unit and Accessory Dwelling Unit
3. Bed and Breakfast	1 per Guest Room + 2 for Residence
4. Hotel/Motel	1 per Bedroom
5. Family Day Care Provider	2 per Facility
6. Day Care Center	2 per Facility + 1 per 20 Children
7. Art Galleries and Studios	1 per 1,000 square feet
8. Professional Offices/Services	1 per 300 square feet
9. Marinas	1 per Moorage Slip
10. Indoor Recreation/Cultural	1 per 300 square feet
11. Primary/Junior High Schools	1 per Classroom + 1 per 50 Students
12. High Schools	1 per Classroom + 1 per 10 Students
13. Retail Stores	1 per 300 square feet
14. Gasoline Service Stations (without retail stores)	5 + 1 per Service Bay
15. Restaurants	1 per 75 square feet in Dining or Lounge Areas
16. Manufacturing Uses	1 per 1,000 square feet

14.16.810 Setback Requirements.

- (1) All structures must meet the minimum horizontal setback requirements of the applicable zone.
- (2) Vision Clearance at Road Intersections. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impair vision between height of 2½ feet and 10 feet above the centerline grades of the intersecting streets within a triangle formed by the road right-of-way lines of such corner lots and a line joining points along said road lines 30 feet from the tangent of intersection.

- 1 (3) Architectural Features.
- 2 (a) Cornices, canopies, eaves, sills, fireplaces, flues, ornamental features and other
3 similar features may extend or project into a required setback a distance of not
4 more than 30% of the required yard, and in no case shall they be closer than 2 feet
5 to any lot line.
- 6 (b) Uncovered and unenclosed ground story porches and decks less than 30 inches
7 above grade may project into a required setback up to 1 foot from the property
8 line.
- 9 (4) Administrative Reduction of Setbacks: The Administrative Official may reduce the
10 required front, side or rear setbacks where topography or critical areas or the lot's size and
11 configuration impact the reasonable development of the property. To reduce the front or
12 rear setback, the Administrative Official must determine that the public health, safety,
13 and welfare will be maintained. Consultation with the Public Works Department
14 concerning traffic safety may be solicited during this analysis.
- 15 (5) Side and Rear Yard Easements. In lieu of normal side or rear yard setback standards
16 required in each zoning district, the provisions of this Subsection shall provide greater
17 flexibility to the property owner for the placement of a residence and/or accessory
18 buildings, agricultural, commercial or industrial structures. Minimum building separation
19 must be maintained, i.e., 16 feet in a residential zoning classification and as otherwise
20 required by the UBC. In order to construct a structure within the normal side or rear yard
21 setback area, an easement document must be obtained from the adjacent property owner.
22 The easement must be recorded with the Skagit County Auditor's Office and filed with
23 the building permit application. The easement document must contain:
- 24 (a) The legal description of the grantor's property.
- 25 (b) The legal description of the grantee's property.
- 26 (c) The legal description of the easement.
- 27 (d) What rights are being granted or restricted by the easement. At a minimum the
28 property granting the easement must be restricted from building within twice the
29 normal side yard setback requirements from the property line or the amount of
30 feet necessary to maintain minimum building separation. The owner of the
31 property receiving the easement must be granted the right of access to maintain
32 the structure if needed. Additional rights or restrictions are up to the individual
33 parties.
- 34 (e) Identification of all the owners of the properties involved.
- 35 (6) Other regulations with setback requirements include:
- 36 (a) Shorelines Master Plan (*see* Chapter 14.26);
- 37 (b) Critical Areas Ordinance (*see* Chapter 14.24);
- 38 (c) Building and Fire Code requirements (*see* Chapter 15.04);
- 39 (d) Skagit County On-Site Sewage Code (*see* Chapter 12.05); and
- 40 (e) Wellhead Protection Area (*see* Chapter 12.48 and Washington Administrative
41 Code).
- 42 (7) Parcels of land outside of and immediately adjacent to Natural Resource Lands (Rural
43 Resource-NRL, Agriculture-NRL, Industrial Forest-NRL, Secondary Forest-NRL, and
44 Mineral Resource Overlay Zones) shall observe a minimum building setback of 200 feet
45 from such Natural Resource Lands. This setback may be waived if the Applicant for the
46 building permit on the adjacent non-resource land acknowledges in writing the possible

1 occurrence of agricultural, forestry, or mining activity on the adjacent property and
2 waives, in writing, for all current and future owners, any claim for damages that may
3 occur to the building or occupants because-of such activities which are conducted in
4 accordance with applicable state regulations. In the case of Industrial Forest-NRL lands,
5 this waiver must also be approved by the owner of the adjacent Industrial Forest-NRL
6 lands. The acknowledgement and waiver discussed herein shall be recorded by the
7 Applicant with the County Auditor. In addition, the Planning and Permit Center may
8 administratively reduce setbacks for lots where the lot's size and configuration would
9 otherwise preclude reasonable development of the property.

10 (8) The Planning and Permit Center may administratively reduce setbacks within Natural
11 Resource Lands provided that the Administrative Official determines that the public
12 health, safety, and welfare will be maintained. Such Administrative reductions are
13 permitted where one or more of the following situations would otherwise preclude
14 reasonable development of the property:

- 15 (a) Existing structures. Existing structures are located within the setback area, and
16 allowing new structures to be located within the setback area close to the existing
17 structures will assist in resource operations.
- 18 (b) Road right-of-way as part of building setback calculation. Where a Natural
19 Resource Land abuts a right-of-way, the Administrative Official may reduce the
20 setback by including the right-of-way footage in the setback calculation.

21
22 **14.16.820 Signs.**

23 (1) Purpose. This Section regulates the construction, erection, maintenance, electrification,
24 illumination, type, size, number and locations of signs in order to protect the health,
25 safety, property and welfare of the public as well as to insure that Skagit County retains a
26 neat, orderly and attractive appearance. The intent of these provisions is to preserve and
27 enhance the unique scenic beauty and the business, recreational, educational, and tourism
28 potential of the County.

29 (2) Definitions. The sign definitions outlined in the 1997 Uniform Sign Code, Ch. 10, §
30 1002 are hereby adopted by reference.

31 (3) General Sign Regulations. The following general requirements shall apply to sign
32 regulation in Skagit County.

- 33 (a) Conformity to Adopted Building Codes. All signs and other advertising
34 structures shall be constructed and maintained in strict conformity with the
35 Uniform Building Code as adopted and referenced in SCC 15.04.
- 36 (b) Highway Advertising Control Act-Scenic Vista Act. The control of signs in areas
37 adjacent to State and Federal highways shall be governed by RCW 47.42.
- 38 (c) Building Permits. Building permits shall be required for the erection, alteration,
39 or reconstruction of roof signs, electrified signs and freestanding signs in excess
40 of 32 square feet in sign area, or greater than 6 feet in height.
- 41 (d) Application Procedure. Where applicable, an Applicant shall pay a permit fee and
42 file a permit application obtainable from the Skagit County Planning and Permit
43 Center. Each application shall be accompanied by plans showing the location by
44 street address of the proposed sign, area of the sign, size and character, and the
45 method of illumination, if any. In addition, the exact location proposed for such
46 sign and in the case of a projecting sign, the proposed method of fastening said

1 sign to the building structure, the vertical distance between such sign and the
2 finished grade and the horizontal distance between such sign, and the street right-
3 of-way. For off-premises signs, the Applicant shall attach to his application the
4 written consent of the property owner for the erection of such sign. Each
5 Applicant shall, upon the request of the Building Official, submit any additional
6 information deemed necessary.

- 7 (e) Identification of Permitted Signs. The number of the sign permit shall be painted
8 or otherwise affixed on the face of each sign requiring a permit. The permit
9 number shall be in letters of not less than 1/2-half inch or more than 3 inches in
10 height and shall be easily visible to the Building Official.
- 11 (f) Non-Conforming Signs. Non-conforming signs shall comply with the provisions
12 of this Chapter within 1 year from the date this Chapter as adopted by the Board
13 of County Commissioners. Upon failure to comply within the specified time
14 period, the Building Official is authorized to cause removal of such signs. Any
15 expenses incurred in such removal shall be paid by the sign owner, agent, lessee
16 of said sign, or shall constitute a lien upon the property.
- 17 (g) Removal of Illegally Established Signs. Signs established in violation of this
18 Subsection may be immediately removed by the Building Official.
- 19 (h) Removal of Vacated Signs. If a building, structure, or premises is vacated for a
20 12-month period of time, the owner of said property shall be responsible for
21 removing any commercial sign or signs located thereon with the exception of
22 advertisements dealing with the leasing of that facility.
- 23 (i) Sign Maintenance. All signs for which a permit is required, including their
24 supports, braces, guys, and anchors shall be kept in good condition. Illuminated
25 devices shall be maintained in good working order. If the Building Official finds
26 any sign regulated under this Section to be unsafe or unsecured, he or she shall
27 give written notice of such findings to the owner, agent, or lessee thereof. If the
28 owner, agent or lessee fails to remove or alter the sign so as to comply with the
29 standards herein after 30 days' notice, such sign or other advertising structure may
30 be removed or altered to comply by the Building Official at the expense of the
31 owner, agent, or lessee. Such expense shall constitute a lien against the property.
32 The Building Official may cause any sign or other advertising structure that is an
33 immediate peril to persons or property to be removed immediately.
- 34 (j) Sight Distance. All signs shall allow an unobstructed sight distance of 300 feet,
35 and shall not be located within a public right-of-way.
- 36 (k) Traffic Safety. No sign shall be erected or allowed that obstructs the sight
37 distance along a public right-of-way. No sign shall by its location, color or
38 nature, tend to be confused with or obstruct the view of traffic signals or signs, or
39 to be confused with a flashing light of an emergency vehicle. In addition, no sign
40 shall, by its nature or moving parts, tend to confuse motorists, or create any
41 potential hazard to motorists, or use admonitions such as "stop," "go," "slow,"
42 "danger," etc., which might be confused with traffic directional signals.
- 43 (l) Illumination. Except for billboards, all sign illumination shall be from the interior
44 or from the floodlight projection shielded to preclude glare visible from the public
45 right-of-way and neighboring properties. No revolving or rotating beacon of light
46 that resembles or simulates any emergency light device shall be permitted as part

- 1 of a sign. Flashing devices shall not be permitted; however, illuminated signs are
2 allowed which indicate customary public information.
- 3 (m) Measurement of Sign Area. The following shall dictate the measurement of sign
4 area:
- 5 (i) The square footage of a sign made up of letters, words or symbols within a
6 frame shall be determined from the outside edge of the frame itself.
- 7 (ii) The square footage of a sign composed only of letters, words or symbols
8 shall be determined from imaginary straight lines drawn around the entire
9 copy or grouping of such letters, words, or symbols.
- 10 (iii) Double or multi faced signs shall be calculated as the maximum area
11 visible from any single direction at any point in time.
- 12 (iv) For free standing signs, the height shall be measured from the elevation of
13 the crown of the nearest public street to the highest point of the free
14 standing sign or its supporting structure.
- 15 (n) Projecting Sign. Projecting signs may be used in lieu of a freestanding sign, but
16 shall be limited to 1/2 of the area allowed for a freestanding sign on that frontage,
17 and in no case shall exceed 40 square feet.
- 18 (4) Exempt Signs. All signs exempt from this Subsection shall be non-illuminated and allow
19 an unobstructed sight distance of 300 feet. The following signs are exempt from the
20 provisions of this Chapter except as specifically noted in this Subsection:
- 21 (a) Official Public Signs. Signs that regulate traffic, legal notices and official
22 instruments, signs established by government agencies, signs indicating bus stops
23 and other similar transportation facilities, etc. shall be exempt.
- 24 (b) Private Directional Signs. Private directional signs 2 square feet or less in size
25 shall be exempt.
- 26 (c) Community Identification Signs. Community identification signs shall be
27 exempt, provided they are 32 square feet or less in size.
- 28 (d) Temporary Political Signs. Temporary political signs located on private property
29 shall be exempt provided that such signs shall not exceed 32 square feet in area,
30 shall not exceed 48 inches in vertical dimension, and shall be located no higher
31 than 8 feet above the surrounding ground. These restrictions shall not apply to
32 lawfully established billboards.
- 33 (e) Product Signs. Signs incorporated on machinery or equipment at the
34 manufacturers or distributor's level, which identify or advertise only the product
35 or service dispensed by the machine or equipment, such as signs customarily
36 affixed to vending machines, newspaper racks and gasoline pumps.
- 37 (f) Attention-Getting Devices. Although the use of pennants, flags, banners,
38 whirlers, streamers, inflatable balloons or similar devices are generally prohibited
39 for commercial or industrial use, they shall be allowed in conjunction with the
40 opening of a new place of business or special events for 14 continuous days every
41 6 months.
- 42 (g) Signs Painted Directly on Buildings. These signs shall not be illuminated.
- 43 (h) Temporary Signs Advertising Community Event. Signs that display the date,
44 time, location, and sponsor of special events of community interest. Such signs
45 shall be designed so that they do not hinder the visibility of other signage, are
46 compatible with the surrounding environment and are consistent with community

1 aesthetic sensibilities. Such signs shall not remain more than 14 days prior to or
2 after the date of the event.

3 (i) Miscellaneous Temporary Signs. On-premises temporary signs advertising
4 religious, charitable, civic, fraternal, political or similar organizations not to
5 exceed 45 days' use per year.

6 (j) Searchlights. Searchlights shall be considered temporary signs that shall be
7 displayed no more than 5 consecutive days and in no event shall be used for
8 advertising by 1 entity for more than 30 days in the same calendar year.

9 (5) On-Premises Signs. On-premises signs display only advertising copy strictly incidental
10 to the lawful use of the premises on which it is located and may contain, unless otherwise
11 prohibited, any or all of the following information:

12 (a) The name of the owner, occupant, management, or firm occupying the premises;

13 (b) The address of the use;

14 (c) The kind or name of the business and /or the brand name of the principal
15 commodities sold or produced on the premises; and

16 (d) Other information relative to a service or activity involved in the conduct of the
17 business.

18 (6) On-Premises Sign Requirements.

19 (a) Signs Associated with Residential Land Use. Residential uses, such as co-
20 housing developments, Home Based Business 2, group homes, or other similar
21 types of uses, shall be allowed to post 1 non-illuminated sign not to exceed 4
22 square feet.

23 (b) Tourism Related Signs in the Rural Freeway Services Zone. 1 freeway-oriented
24 advertising sign per business may be permitted in the Rural Freeway Services
25 Zoning District, provided that the business must establish that it is a tourist-
26 oriented business, i.e., that it satisfies a need of the traveling public and that it
27 relies on the traveling consumer for a significant portion of its business. The
28 height of such signs may be up to 60 feet.

29 (c) Seasonal Roadside Stands. 1 non-illuminated on-premises sign, excluding
30 banners, shall be allowed to advertise a seasonal roadside stand, provided that it
31 shall be no larger than 32 square feet. Regulations regarding off-premises
32 seasonal roadside signs are outlined in 11(b) of this Subsection.

33 (d) Real Estate Signs Requirements. Real estate signs shall be permitted in all zones,
34 provided that all such signs shall be located on the property to which they apply
35 except as allowed in Subsection (9). Real estate signs shall not exceed 32 square
36 feet and shall be removed upon closing of sale. In addition, real estate signs
37 advertising the sale of lots located within a subdivision shall be permitted,
38 provided that there shall be no more than 1 sign per subdivision entrance, and
39 each sign shall be no greater than 32 square feet in area, no greater than 8 feet in
40 height, and erected no longer than for a period of 1 year. Real estate signs shall
41 be removed upon closing of sale. 1 sign may be also installed off-premises in
42 order to direct visitors to the property. Regulations regarding off-premises real
43 estate signs are outlined in 11(a) of this Subsection.

44 (e) On-Premises Temporary Portable Signs. A temporary portable sign is a sign
45 whether on its own trailer, wheels, or otherwise was designed and manufactured
46 so that it can be transported from one place to another. Use of 1 temporary

1 portable on-premises sign shall be allowed, provided that the portable sign shall
2 not exceed 8 square feet in area. In addition, portable signs shall be set back a
3 minimum of 15 feet from a public right-of-way, shall not be allowed in
4 conjunction with any residential use, and shall be allowed only for a maximum of
5 30 days no more than twice in a calendar year.

6 (7) Business Signs. Each enterprise, institution or business shall be permitted wall signs, 1
7 under canopy sign per street frontage and 1 freestanding sign each. Multiple businesses
8 in the same building shall apportion façade length, building, wall and street frontage such
9 that any maximum is not exceeded for a particular property. Business signs are subject to
10 the following minimum size requirements:

- 11 (a) Maximum wall sign shall not exceed 2 square feet for each lineal foot of the
12 building wall on which the sign is attached, not to exceed 40 square feet.
- 13 (b) Maximum freestanding sign area shall not exceed 1 foot for each 5 lineal feet of
14 street frontage, not to exceed 40 square feet.
- 15 (c) Under canopy sign area and dimensions shall be 1 square foot for each lineal foot
16 of the width of the canopy, awning, marquee or similar structure from which the
17 sign is suspended, as measured perpendicular to the wall. Minimum vertical
18 clearance between the lower edge of an under canopy sign and the ground shall be
19 8 feet.

20 (8) Signs Advertising Industrial Businesses. The following requirements shall govern
21 signage for industries:

- 22 (a) 1 building identification sign for each building shall be permitted provided that no
23 sign shall exceed 25 square feet in area.
- 24 (b) Each enterprise, institution or franchise shall be permitted wall signs, 1 under
25 canopy sign per street frontage and 1 freestanding sign each, subject to the
26 following minimum size requirements. (Note: Multiple businesses in the same
27 building shall apportion façade length, building, wall and street frontage such that
28 any maximum is not exceeded for a particular property.)
- 29 (c) Maximum size.
 - 30 (i) Maximum wall sign area shall not exceed 3 square feet for each lineal foot
31 of the building wall on which the sign is attached.
 - 32 (ii) Maximum projecting sign area shall be 1 square foot for each 2 lineal feet
33 of building wall on which the sign projects, not to exceed 64 square feet.
34 The total area of the projecting sign shall be subtracted from the permitted
35 total of the façade signs.
 - 36 (iii) Freestanding signs shall have a maximum of 1 square foot for each lineal
37 foot of street frontage, not to exceed 150 square feet.
 - 38 (iv) For under canopy signs, the maximum sign area shall be 1 square foot for
39 each lineal foot of width of canopy, awning, marquee or similar structure
40 from which the sign is suspended, measured perpendicular to the building
41 wall.
 - 42 (v) The minimum vertical clearance between the lower edge of an under
43 canopy sign and the ground shall be 8 feet.

44 (9) Off-Premises Signs. A sign structure or billboard advertising an establishment,
45 merchandise, service, or entertainment which is sold, produced, manufactured, or
46 furnished at a place other than the property of which sign or billboard is located.

- 1 (10) General Requirements. Off-premises signs shall conform to the following requirements:
 - 2 (a) Off-premises signs shall allow an unobstructed sight distance of 300 feet.
 - 3 (b) Lighted signs shall be effectively shielded to prevent light from being directed at
 - 4 any portion of the highway right-of-way, or be of such intensity or brilliance to
 - 5 cause or to otherwise interfere or impair a driver's vision.
 - 6 (c) Maximum size of 300 square foot per face.
 - 7 (d) Maximum height of 30 feet, except as otherwise permitted.
 - 8 (e) 1 off-premises sign shall be permitted per parcel.
- 9 (11) Special Off-Premises Sign Requirements.
 - 10 (a) Real Estate Signs. Signs advertising the sale of lots located within a subdivision
 - 11 shall be permitted, provided that there shall be no more than 1 sign per
 - 12 subdivision entrance, and each sign shall be no greater than 32 square feet in area,
 - 13 no greater than 8 feet in height and erected no longer than a period of 1 year. 1
 - 14 sign may be installed off premises in order to direct visitors to the property. Real
 - 15 estate signs shall be removed upon closing of sale.
 - 16 (b) Temporary Advertising for Seasonal Roadside Stand. 2 temporary off-site signs
 - 17 may be used to advertise seasonal roadside stands so long as the sign is removed
 - 18 after the growing season and is no larger than 16 square feet.
 - 19 (c) Billboard Sign Requirements. Billboards are outdoor advertising structures
 - 20 advertising an establishment, merchandise, service, or entertainment which is
 - 21 sold, produced or manufactured and/or furnished at a place other than on the
 - 22 property of which billboard is located. Billboards are prohibited except within the
 - 23 RFS, NRI, AVR, BR-I, BR-HI, and IF zones. Billboards shall meet the following
 - 24 requirements:
 - 25 (i) Sign surface area: Maximum 300 square feet per face.
 - 26 (ii) Maximum number of signs: one sign per structure, which may be single or
 - 27 double-faced.
 - 28 (iii) Maximum Height: 40 feet.
 - 29 (iv) Minimum Setback: 45 feet from the nearest right-of-way line; and 100
 - 30 feet from the right-of-way line intersection point measured at any angle.
 - 31 (v) Minimum Spacing: 500 feet on the same side of the road from another
 - 32 billboard.
 - 33 (vi) Only 1 sign shall be allowed to face the same direction per location. This
 - 34 allows back-to-back or "V" formation, but prohibits 2 signs (side-by-side)
 - 35 facing the same location.

36
37 **14.16.830 Landscaping Requirements.**

- 38 (1) Purpose and Intent. Landscaping is essential to provide an aesthetically pleasing balance
 - 39 between the built and natural environment for the residents of Skagit County.
 - 40 Landscaping should be used to help:
 - 41 (a) Soften and enhance the appearance of the built environment and retain the rural
 - 42 character.
 - 43 (b) Buffer conflicting land uses.
 - 44 (c) Maintain property values.
 - 45 (d) Provide shade and visual relief to parking areas and streets.

- 1 (e) Reduce storm water runoff and erosion by providing areas for water retention and
2 biofiltration where deemed necessary.
- 3 (f) Aid in protecting the rural character of Skagit County by helping to maintain and
4 enhance the rural visual quality through the use of native plant materials.
- 5 (2) Applicability. An approved landscape plan is required for any new commercial or
6 industrial building or use application. There are different requirements depending on the
7 commercial/industrial zoning district.
- 8 (3) Application Procedures.
- 9 (a) Submittal. Landscape plans shall be submitted to the Planning and Permit Center.
10 An approved plan is required prior to the issuance of a building permit. Plans
11 shall be drawn to scale showing the location of buildings, above and below
12 ground utilities, and the location, quantities and sizes of proposed plants and other
13 proposed materials in the landscape area.
- 14 (b) Appeal. Any Applicant may appeal the decision of the reviewer pursuant to a
15 Level I process in SCC 14.06 (Permit Procedures).
- 16 (4) Types, amounts, and locations of landscaping required.
- 17 (a) Type I.
- 18 (i) Description. Type I landscaping is intended to provide screening of areas
19 to reduce the visual impact of incompatible or less desirable
20 characteristics. It is intended to be a very dense sight barrier. The
21 planting strip shall be a minimum of 20 feet wide.
- 22 (ii) Applicability.
- 23 a) A 20-foot-wide Type I buffer is required on all development within
24 SRT, BR-I, BR-HI, NRI, and RMI zones where it abuts RI, RRv,
25 RVR and R zoned land. Entire property lines need not be
26 landscaped if Applicant can demonstrate the activity (building or
27 use) is adequately screened and agrees to additional Type I
28 landscaping with future applications. A request for a reduction
29 shall be by Administrative Decision pursuant to SCC 14.06.
30 Requirements for the NRI zone are found within that zone.
- 31 b) Type I landscapes may be applied as conditions to discretionary
32 land use applications.
- 33 (iii) Amount of plantings within the planting strip.
- 34 a) Trees. 2 alternating rows of evergreen trees, with a minimum of
35 2.5-inch caliper and planted at intervals of no greater than 20 feet
36 on center. The trees must be backed by a sight-obscuring fence, a
37 minimum of 5 feet high that may be removed when the trees reach
38 10 feet high. Applicant may eliminate the fence by increasing the
39 required width of the planting area by 10 feet.
- 40 b) Shrubs. Shrubs shall be planted a minimum of 5 feet wide using
41 plants that are 3½ feet in height at the time of planting. A
42 combination of plant materials and landscape materials shall be
43 planted so that the ground surrounding the shrubs will be covered
44 within 3 years.

- 1 c) Alternatively, a wall of at least 6 feet high may be used for
 2 screening to reduce the planting width 5 feet and shall be
 3 constructed of masonry, block, or textured concrete.
- 4 (b) Type II.
- 5 (i) Description. Type II landscaping is intended to provide a visual
 6 separation between uses and land use districts.
- 7 (ii) Applicability.
- 8 a) A 10-foot-wide Type II buffer is required on all development
 9 within AVR, AEO, RFS, RVC, RC, CSB, and RB, zones where it
 10 abuts RI, RRv, RVR, and R zoned land. Entire property lines need
 11 not be landscaped if Applicant can demonstrate the activity
 12 (building or use) is adequately screened and agrees to additional
 13 Type II landscaping with future applications. A request for a
 14 reduction shall be by Administrative Decision pursuant to SCC
 15 14.06.
- 16 b) Type II landscapes may be applied as conditions to discretionary
 17 land use applications.
- 18 (iii) Amount of plantings.
- 19 a) Trees. Evergreen and deciduous trees, with no more than 50%
 20 being deciduous, a minimum of 2.5-inch caliper and planted at
 21 intervals of no greater than 20 feet on center.
- 22 b) Shrubs. A minimum of 3½ feet in height and other plant materials
 23 planted so that the ground will be covered within 3 years.
- 24 (c) Type III.
- 25 (i) Description. Type III landscaping is intended to provide aesthetic
 26 enhancement, retain the rural character and soften the appearance of
 27 streets, parking areas and building elevations of applications subject to this
 28 Section. This is the typical landscape requirement that every
 29 commercial/industrial application shall meet.
- 30 (ii) Applicability.
- 31 a) An 8-foot-wide Type III buffer is required on the street frontage of
 32 all development within all commercial/industrial zones. Entire
 33 property lines need not be landscaped if the Applicant can
 34 demonstrate the activity (building or use) is adequately screened
 35 and agrees to additional Type II landscaping with future
 36 applications. A request for a reduction shall be by Administrative
 37 Decision pursuant to SCC 14.06.
- 38 b) Type III landscapes may be applied as conditions to discretionary
 39 land use applications.
- 40 (iii) Amount of plantings.
- 41 a) Standards for AVR, AEO, NRI, BR-I, BR-HI, RFS, SRT, and RMI
 42 zones:
- 43 1) Trees. Evergreen and deciduous trees, with no more than
 44 50% being deciduous, a minimum of 6 feet in height, and
 45 planted at intervals no greater than 30 feet on center, or
 46 maximum spacing of 1 tree for every 30 feet of road

- 1 frontage may be planted in groupings so as not to visually
2 block a business entrance.
- 3 2) Shrubs and berms. Minimum of 3½ feet in height, and
4 lawn or ground cover planted so that the ground will be
5 covered within 3 years or earth mounding (berms) an
6 average of 3½ feet in height planted with shrubs, or ground
7 cover so that the ground will be covered within 3 years and
8 produce a landscape at least 3½ feet in height.
- 9 b) Standards for RVC, RC, CSB, and R zones:
- 10 1) A minimum of 2 groupings 50 square feet each shall be
11 provided.
- 12 2) A minimum of 1 tree in one group and 2 trees in the second
13 group.
- 14 3) Shrubs shall be adequate to cover the minimum square
15 footage requirement.
- 16 (d) Type IV.
- 17 (i) Description. Type IV landscaping is intended to provide relief and shade
18 in parking areas.
- 19 (ii) Amount of plantings. Applications within: RFS, RMI, AVR, AEO, NRI,
20 BR-I, BR-HI and SRT zoning designations shall have a minimum of 16
21 square feet of landscaping for every parking stall.
- 22 (iii) Design.
- 23 a) Each area of landscaping must contain at least 100 square feet of
24 area and must be at least 4 feet in any direction. The area must
25 contain at least 1 tree at least 6 feet in height and with minimum
26 size of 1½ inches in caliper measured 6 inches above existing
27 grade if deciduous. Deciduous trees shall have a clear trunk at
28 least 5 feet above the ground. The remaining ground area must be
29 landscaped with a variety of plant materials to include low shrubs,
30 2 feet at maturity, perennials, annuals and ground cover.
- 31 b) A landscaped area must be placed at the end of each parking row
32 in a multiple lane parking area. This area must be at least 4 feet
33 wide and must extend the length of the adjacent parking stall.
- 34 c) If less than 6 stalls are required, a minimum of 100 square feet
35 shall be landscaped. The area does not need to meet the
36 dimensional standards of Subsection (iii)(a), above.
- 37 d) Up to 100% of the trees proposed for the parking area may be
38 deciduous.
- 39 e) The trees shall be protected from the public, either pedestrian or
40 motor vehicles, by appropriate curbs, tree guards or other
41 protective devices.
- 42 f) Applications within all other commercial/industrial zoning
43 designations. For every 10 required stalls, a minimum of 200
44 square feet of landscaping shall be provided including at least 3
45 trees and a mix of shrubs and groundcovers.

1 (5) General Standards. The following general standards will be required in all districts where
2 landscaping is required:

- 3 (a) Existing Vegetation. Preference is to retain as much of the existing mature
4 vegetation (not including invasive non-native species) as possible within planting
5 areas. Existing mature vegetation may be included in the required amount.
6 (b) Trees shall be varieties that will not conflict with underground or overhead
7 utilities.
8 (c) No artificial lawn or shrubbery will be permitted in landscaped areas.
9 (d) Required landscaping or other vegetation within 30 feet of a driveway or street
10 intersection shall not impair the sight vision between 30 inches and 8 feet from
11 the ground. All trees shall have no branches or foliage below 8 feet above the
12 street level.
13 (e) Erosion control measures and temporary run-off control may become part of a
14 landscape plan.
15 (f) Maintenance for all landscaping and screening areas shall be provided by the
16 owner of the landscaped property. Broken or dead trees or shrubs shall be
17 replaced. All screening and landscaping areas shall be kept free of weeds and
18 trash. Any property owner who fails to maintain landscaping areas will be
19 considered to have committed an offense to this Code pursuant to SCC 14.44
20 (Enforcement and Penalties).
21 (g) Performance assurance bonding shall be in a cash deposit or other assurance
22 acceptable to the County equal to 125% of the estimated installation costs if
23 landscaping improvements have not been completed prior to application for
24 occupancy. Such deposit shall be accompanied by a letter that shall stipulate the
25 completion of the landscaping no later than 9 months from date of occupancy. If
26 the conditions are not met, the County may use the deposit to perform the
27 landscaping.
28 (h) Phased projects shall submit a landscape plan for the site as a whole before any
29 issuance of a building permit is granted.
30 (i) Alternative landscape plans may be submitted which differ from the requirements
31 contained in this Section. The Administrative Official shall make an
32 administrative decision to approve or deny the landscape plan pursuant to a Level
33 I process. All plans shall demonstrate how they meet the intent as outlined in this
34 Section or that a hardship exists because of lot topography, size, or location.
35 (j) Landscape materials shall be provided consistent with the County's list of
36 acceptable landscape materials.
37

38 **14.16.840 Performance Standards.**

- 39 (1) Purpose. It is intended that all activities and land uses within Skagit County adhere to a
40 common standard of environmental performance criteria.
41 (2) Vibration. Every use shall be so operated that the ground vibration inherently and/or
42 recurrently generated from use and/or equipment other than vehicles is not perceptible
43 without instruments at any point on or beyond any zone district boundary in which the
44 use is located.
45 (3) Heat, Glare and Steam. Any activity producing steam, heat or glare shall be carried on in
46 such a manner that the steam, heat or glare shall not create a nuisance beyond the

1 boundary lines of the property within which the use is located. Building materials with
2 high light reflective qualities shall not be used in construction of buildings where
3 reflected sunlight would throw intense glare on adjacent areas. Artificial lighting shall
4 use full cut-off fixtures so that direct light from high intensity lamps will not result in
5 glare. Lighting shall be directed away from adjoining properties so that not more than 1-
6 foot candles of illumination leaves the property boundaries.

7 (4) Electrical Disturbance. No activity shall emit electrical disturbance adversely affecting
8 the operation of equipment or appliances at any point beyond the boundaries of the
9 location site of the use creating such disturbance.

10 (5) Noise. On-site sound levels are not to exceed levels established by noise control
11 regulations of the Department of Labor and Industries. Maximum permissible
12 environmental noise levels to be emitted to adjacent properties are not to exceed levels of
13 the environmental designations for noise abatement (EDNA) as established by the State
14 of Washington, Department of Ecology as now exist, or as hereafter amended, provided
15 that EDNA classifications will conform to certain zone designations established under
16 this Ordinance as follows:

17 (a) Class A EDNA: Residential Use Zones (RI, RVR, RRv, R);

18 (b) Class B EDNA: Commercial Zones (RVC, RC, RFS, SRT, CSB, RB, BR-I, BR-
19 HI, AVR), Public Use Zone OSRSI; and

20 (c) Class C EDNA: Industrial Zones (NRI, RMI), Forestry Zones (IF-NRL, SF-NRL,
21 RRc-NRL), Agricultural Zone (Ag-NRL).
22

23 **14.16.850 General Provisions.**

24 (1) Any provision of this Ordinance may be suspended in an emergency situation by the
25 Administrative Official, subject to approval by the Board of County Commissioners.

26 (2) There shall be no more than 1 primary dwelling unit per lot of record.

27 (3) Prohibition on extension of sewer service into rural and resource areas. Extension of
28 sewer service is prohibited into rural and resource designated areas, except in these
29 limited circumstances shown to be necessary to protect basic public health and safety and
30 the environment and when such services are financially supportable at rural densities and
31 do not permit urban densities.

32 (4) Development of lots of record. Notwithstanding other restrictions of Skagit County
33 Code, except as set forth below, only lots of record meeting the minimum dimensional
34 standards of the Zoning District in which they are located will be approved for
35 development permits. An owner of contiguous lots may choose to aggregate (combine)
36 them in order to meet this requirement. Aggregation of lots shall be recorded as a
37 boundary line adjustment. Except for substandard lots created through testamentary
38 provisions, developments may occur on lots of record that do not meet the minimum
39 dimensional requirements of the Zoning District if one of the following exemptions
40 apply:

41 (a) A lot that has been previously certified as a legal lot of record; or

42 (b) A lot upon which there is, or was, a legally placed residence; or

43 (c) A lot of record upon which a previous development permit has been issued
44 pursuant to Skagit County Code.

45 (d) A lot of record that meets the following requirements:

- 1 (i) Compliance with all other requirements for a development permit pursuant
2 to any provision of the Skagit County Code including the requirements of
3 SCC 12.05 (On-site Sewage), except for SCC 12.05.210(4)(e); and
4 (ii) Compliance with SCC 14.28 (Concurrency) even if otherwise exempt; or
5 (iii) A development permit is required as part of a compliance order to protect
6 the public's health, life, safety, and the environment.
- 7 (5) Storage of articles or vehicles in yards and rights-of-way.
8 (a) In no zoning district shall any portion of articles or vehicles be permitted to be
9 stored in public rights-of-ways.
10 (b) All vehicles placed in required yards shall be currently licensed and registered.
- 11 (6) Non-issuance of building permits outside of a fire district.
12 (a) Within any zoning district, building permits shall not be issued for residential
13 and/or commercial structures that are not determined to be within an official
14 designated boundary of a Skagit County Fire District.
15 (b) Exceptions:
16 (i) A building permit may be approved if the Administrative Official
17 determines that the building is a necessary component of the resource base
18 of the zone.
19 (ii) A non-residential, non-commercial building may be approved if for
20 miscellaneous structures necessary to convey utilities, radio transmission,
21 etc. (i.e., radio towers or transmission or water lines).
22 (iii) Outside of a fire district, a single-family dwelling or accessory building
23 permit may be applied for if it meets all of the following or comparable
24 alternative fire protection requirements as determined by the Fire Marshal:
25 a) The lot was a legal lot of record prior to the adoption of interim
26 controls on June 11, 1990.
27 b) Approved non-combustible roofing materials must be used.
28 c) Slash abatement within 200 feet of any portion of the exterior
29 of the structure.
30 d) A safety zone cleared of flammable vegetation 30 feet from any
31 portion of the exterior of the structure on level ground and 100 feet
32 downhill on sloped ground.
33 e) Building sprinklers installed per National Fire Protection
34 Association 13D (NFPA 13D).
35 f) Exception: Buildings of 800 square feet or less, which are:
36 1) Unheated separate accessory structures to a full-time
37 dwelling unit 20 feet from all other buildings; or
38 2) A building used as a vacation cabin and not as a full-time
39 residence.
40 g) There is availability of 300 gallons of water on-site, 400 feet of 1-
41 inch fire hose with foam applicator, and an internal combustion
42 engine powered pump.
- 43 (7) When a lot has multiple zoning designations, then each zoned portion of the lot may be
44 developed, subdivided, or used consistent with the applicable zoning district's use
45 regulations. In cases where a zoned portion of a lot is smaller than the minimum lot size

1 of the applicable zone, that portion of the lot may still be segregated, as long as the
2 requirements of SCC 12.48 and SCC 12.05 (except Section 12.05.210(4)(e)) are met.
3

4 **14.16.860 Agricultural Land Preservation**

- 5 (1) Purpose. The following zoning provision is intended to encourage long-term agricultural
6 land protection. Owners of an existing house in the Agricultural Natural Resource or
7 Rural Resource zone are hereby provided a mechanism to create a substandard lot in
8 consideration for placing a permanent restriction on the balance of the property in the
9 form of an Agricultural Preservation Agreement.
- 10 (2) Exceptions. Exceptions from the dimensional requirements of the SCC may be granted
11 by the Administrative Official through the use of a County-adopted Agricultural
12 Preservation Agreement and Agricultural Use Covenant and Agreement Relating to
13 Development Rights, if they:
- 14 (a) Are not contrary to the public interest;
 - 15 (b) Are not contrary to the Skagit County Comprehensive Plan;
 - 16 (c) Do not increase the allowable density as prescribed by the Comprehensive Plan,
17 and satisfy the criteria listed below:
 - 18 (i) Parcel consists of predominantly Lowland Prime Soils (as defined by
19 Skagit County's Planning and Permit Center's "Farmland Soils Map").
 - 20 (ii) Parcel is zoned Agriculture-NRL or Rural Resource-NRL.
 - 21 (iii) Residential lots may not exceed 1 acre in size unless site constraints
22 preclude placement of a well or septic system.
 - 23 (d) An Agricultural Use Covenant is placed on the remainder of the property and
24 granted to Skagit County. The covenant is an interest in real property under the
25 provisions of RCW 64.04.130 and will be held in trust by Skagit County. The
26 covenant will remain in effect until a court of competent jurisdiction finds that it
27 is no longer possible to commercially use the property for the production of food
28 or agricultural products. In lieu of granting an Agricultural Use Covenant to
29 Skagit County, the property owner may convey a substantially similar
30 conservation easement to a non-profit Skagit County-based land trust or other
31 qualified conservation organization as defined in RCW 84.34.250.
 - 32 (e) If these criteria are met, and a parcel has more than 1 residential structure existing
33 as of September 11, 1996, then separate lots may be created for each such primary
34 residence, provided that the requirements stated above are met for each lot.
35

36 **14.16.870 Notification of Development Activities on or Adjacent to Designated Natural
37 Resource Lands.**

- 38 (1) Title Notification. The owner of any site in or within 500 feet of Natural Resources
39 Lands, for which an application for a development permit is submitted as defined in SCC
40 14.04, shall record a title notification with the Skagit County Auditor. The content and
41 form must be approved by the Administrative Official and the Prosecuting Attorney. The
42 notice shall be notarized and shall be recorded prior to approval of any development
43 proposal for the site, and include the following language:
44

45 *This parcel lies within an area or within 500 feet of an area*
46 *designated as a natural resource land (agricultural, forest and*

1 *mineral resource lands of long-term commercial significance) in*
2 *Skagit County. A variety of natural resource land commercial*
3 *activities occur or may occur in the area that may not be*
4 *compatible with non-resource uses and may be inconvenient or*
5 *cause discomfort to area residents. This may arise from the use of*
6 *chemicals; or from spraying, pruning, harvesting, or mineral*
7 *extraction with associated activities, which occasionally generates*
8 *traffic, dust, smoke, noise, and odor. Skagit County has*
9 *established natural resource management operations as a priority*
10 *use on designated natural resource lands, and area residents*
11 *should be prepared to accept such incompatibilities,*
12 *inconveniences, or discomfort from normal, necessary natural*
13 *resource land operations when performed in compliance with best*
14 *management practices and local, State, and Federal law. In the*
15 *case of mineral lands, application might be made for mining-*
16 *related activities including extraction, washing, crushing,*
17 *stockpiling, blasting, transporting and recycling of minerals. In*
18 *addition, greater setbacks than typical may be required from the*
19 *resource area, consistent with SCC 14.16.810. Contact the Skagit*
20 *County Planning and Permit Center for details.*

21
22 **14.16.880 Nonconforming Uses and Structures.**

- 23 (1) Intent. Any lot, building, structure, or use of land, legally permitted or established at the
24 time of the adoption of this Ordinance, shall be permitted to continue. A change in
25 occupancy or ownership shall not affect such right to continue such use, building, or
26 structure. It is the intent of this Ordinance:
- 27 (a) To permit these nonconformities to continue until they are removed, but not to
28 encourage their survival, except as expressly provided in this Section; and
 - 29 (b) That nonconformities shall not be used as grounds for adding other structures or
30 uses prohibited elsewhere in the same zoning district; and
 - 31 (c) That nonconforming uses or structures not be allowed to expand, be altered or
32 reconstructed except as otherwise outlined in this Section.
- 33 (2) Enlargement, Alteration, Expansion or Change of Nonconforming Uses.
- 34 (a) Nonconforming uses. No nonconforming use shall be permitted to be enlarged,
35 altered, or expanded, except that a nonconforming use may be extended
36 throughout any part of the building which was designed for its use prior to the
37 time of the adoption of this Chapter. This extension is allowed provided that no
38 structural alterations, except those required by law are made therein, and that no
39 expansion of the structure or parking requirements occurs.
 - 40 (b) No nonconforming use shall be allowed to be re-established after abandonment.
41 Thereafter, the use of the building, structure or site shall be in conformity with the
42 regulations for the district in which it is located.
 - 43 (c) A nonconforming use shall not hereafter be changed to any other nonconforming
44 use, regardless of the conforming or nonconforming status of the building in
45 which it is housed.

- 1 (3) Enlargement, Alteration, Reconstruction of Nonconforming Buildings and Structures.
2 The following items (3(a) and (b)) outline requirements for routine maintenance,
3 reconstruction/replacement after damage by fire, natural disaster, or other calamity, and
4 structural repairs needed to maintain a building or structure in a safe structural condition:
5 (a) Routine maintenance and repairs may be performed on a nonconforming structure
6 or building.
7 (b) When a nonconforming building or structure is damaged, said building or
8 structure may be restored or replaced provided:
9 (i) A complete application for reconstruction or replacement is submitted
10 within 1 year of the damage, and
11 (ii) That the restoration or replacement shall be made to conform to the
12 regulations of the zoning district in which the building or structure is
13 located, or if such regulations cannot physically be met without reducing
14 the size of the building, the restoration shall not extend any nonconformity
15 that existed prior to the damage.
- 16 (4) Abandonment. For the purposes of this Subsection, abandonment shall mean:
17 (a) An intention to abandon; and
18 (b) An overt act, which carries the implication that the owner does not claim or retain
19 any interest in the right to the nonconforming use.
- 20 (5) Conformance after Abandonment. If any nonconforming use of land and/or building or
21 structure ceases for any reason whatsoever for a period of 1 year or more, any future use
22 of such land, building or structure shall thereafter be in conformity in the zoning district
23 in which it is located. The mere presence of a structure, equipment or material shall not
24 be deemed to constitute a continuance of a nonconforming use unless the structure,
25 equipment, or material are actually being occupied or employed in maintaining such use.
- 26 (6) Procedure for Verifying Abandonment. When the Department obtains information
27 indicating that a nonconforming use, building or structure has or may have been
28 abandoned, the Department shall send a letter by certified mail return receipt requested to
29 the property owner requesting confirmation of either abandonment or non-abandonment.
30 Documentation that the nonconforming use, structure, or building has been occupied,
31 used, or maintained within the last year shall be required. After proper notification, if the
32 owner fails to respond to the request within 60 days, the building, structure, or use shall
33 be deemed abandoned. If the owner replies that the building, structure, or use is not
34 abandoned, the Department may treat this as a Level II permit application, in which case
35 the Hearing Examiner will make a determination regarding the abandonment status, or
36 the Department may determine that abandonment has not occurred.

37
38 **14.16.900 Rezone and Special Use Permit Requirements.**

- 39 (1) Rezones.
40 (a) All rezones shall be processed in conjunction with Comprehensive Plan
41 amendments. The procedures for application, notice, etc., shall follow those for
42 the Comprehensive Plan, which are found in SCC 14.08.020.
43 (b) Additional submittal requirements for rezones.
44 (i) A detailed statement of how the proposal meets the applicable approval
45 criteria; and

- 1 (ii) A 1-inch equals 100 feet map showing the subject property and property
2 lines and land use designations for all properties within 500 feet of the
3 site.
- 4 (c) Additional approval criteria for rezones.
- 5 (i) The property can meet the detailed standards in SCC 14.16 applicable to
6 the proposed zone.
- 7 (ii) For rezones from a commercial zone to RI, RVR, and RRv, all vacant lots
8 within the proposed rezones shall be consolidated.
- 9 (iii) All Comprehensive Plan amendments/rezones to a commercial or
10 industrial zone shall require a development project be commenced for the
11 entire redesignated/rezoned area within 2 years of the
12 redesignation/rezone, unless development is phased. For the purposes of
13 this Section, "commenced" shall mean either 1) a commercial or industrial
14 operation permitted by the redesignation/rezone has been established or 2)
15 a complete building permit has been filed with the Planning and Permit
16 Center for the principal building which will allow the commercial or
17 industrial operation. Upon building permit approval, the principal
18 building shall be completed (i.e., final inspections completed) within 3
19 years. Those portions of the redesignated/rezoned property which are not
20 included within the development area and where the above timeframes are
21 not met shall automatically revert to the original designation and zoning,
22 unless a phasing plan is approved pursuant to Subsections a) and b),
23 below. For purposes of this Subsection, "development area" shall mean
24 all portions of the site needed to meet UDC requirements, such as lot
25 coverage and setbacks.
- 26 a) If an Applicant desires to phase development of a commercial or
27 industrial rezoned property, a phasing plan shall be submitted and
28 reviewed as part of the Comprehensive Plan amendment/rezone
29 application. When an amendment/rezone includes a phasing plan,
30 the initial phase shall be commenced and completed within the
31 timeframes articulated above. Subsequent phases shall be
32 commenced and/or constructed within the timeframes established
33 in the phasing plan, or within a 6-year period. Otherwise, the
34 commercial designation/zoning shall expire and the
35 redesignation/rezoning shall revert to its previous designation for
36 those portions of the property where these requirements are not
37 met.
- 38 b) Where a redesignation/rezone did not initially include a phasing
39 plan, but prior to the automatic designation/zone reversion an
40 Applicant desires the phasing of the operation, a phasing plan may
41 be submitted to the County for consideration. This plan shall be
42 reviewed through a Level II review process and be reviewed for
43 compliance with the rezone criteria.
- 44 c) The time limits established above shall be tolled pending
45 resolution of any appeals, and may be extended by the Board of
46 County Commissioners upon a showing that the Applicant is

diligently taking actions to obtain necessary permits and approvals to establish the use.

(d) Approved rezones shall be shown on the official zoning map.

(2) Special Uses.

(a) Purpose. To provide a means to recognize and approve land uses not specifically identified as allowed uses. A special use permit must demonstrate that the proposed activity will not adversely affect or prevent those uses normally allowed within the respective district.

(b) Process/authority for Special Use permit.

(i) Administrative Special Uses shall be reviewed as a Level I permit, pursuant to SCC 14.06.

(ii) Hearing Examiner Special Uses shall be reviewed as a Level II permit, pursuant to SCC 14.06.

(iii) The Hearing Examiner shall have authority to order that a Special Use Permit be revoked, suspended, or modified based on a finding that the conditions have not been satisfied by the Applicant. The Administrative Official or party of record may request a review by the Hearing Examiner on a Special Use Permit pursuant to a Level II action, pursuant to SCC 14.06.

(iv) The Approving Authority's decision may be to grant or to deny an application.

(v) The burden of proof shall be on the Applicant to provide evidence in support of the application. The criteria for approval or denial shall include the following elements:

a) The proposed use will be compatible with existing and planned land use and comply with the Comprehensive Plan.

b) The proposed use complies with the Skagit County Code.

c) The proposed use will not create undue noise, odor, heat, vibration, air and water pollution impacts on surrounding, existing, or potential dwelling units, based on the performance standards of SCC 14.16.840.

d) The proposed use will not generate intrusions on privacy of surrounding uses.

e) Potential effects regarding the general public health, safety, and general welfare.

f) For special uses in Industrial Forest - Natural Resource Lands, Secondary Forest - Natural Resource Lands, Agricultural - Natural Resource Lands, and Rural Resource - Natural Resource Lands, the impacts on long-term natural resource management and production will be minimized.

g) The proposed use is not in conflict with the health and safety of the community.

h) The proposed use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.

- 1 (c) Approved special uses shall be shown on the official zoning map.
- 2 (d) All special uses shall require a development project be commenced for the entire
- 3 parcel within 2 years of the permit approval, unless development is phased. For
- 4 the purposes of this Section, "commenced" shall mean either 1) the use permitted
- 5 by the permit has been established or 2) a complete building permit has been filed
- 6 with the Planning and Permit Center for the principal building which will allow
- 7 the use. Upon building permit approval, the principal building shall be completed
- 8 (i.e., final inspections completed) within 3 years. Those portions of the property,
- 9 which are not included within the development area and where the above
- 10 timeframes are not met, shall automatically be removed from the special use
- 11 approval, unless a phasing plan is approved pursuant to Subsections a) and b),
- 12 below. For purposes of this Subsection, "development area" shall mean all
- 13 portions of the site needed to meet UDC requirements, such as lot coverage and
- 14 setbacks.

- 15 (i) If an Applicant desires to phase development of a special use, a phasing
- 16 plan shall be submitted and reviewed as part of the special use permit
- 17 application. When a special use includes a phasing plan, the initial phase
- 18 shall be commenced and completed within the timeframes articulated
- 19 above. Subsequent phases shall be commenced and/or constructed within
- 20 the timeframes established in the phasing plan, or within a 6-year period.
- 21 Otherwise, the special use shall expire for those portions of the property
- 22 where these requirements are not met.
- 23 (ii) Where a special use did not initially include a phasing plan, but prior to
- 24 the automatic permit reversion an Applicant desires the phasing of the
- 25 operation, a phasing plan may be submitted to the County for
- 26 consideration. This plan shall be reviewed through a Level II review
- 27 process and be reviewed for compliance with the special use criteria.
- 28 (iii) The time limits established above shall be tolled pending resolution of any
- 29 appeals, and may be extended by the Board of County Commissioners
- 30 upon a showing that the Applicant is diligently taking actions to obtain
- 31 necessary permits and approvals to establish the use.

32 (3) Special Uses with Specific Criteria.

- 33 (a) Agricultural processing facilities. The proposal must demonstrate to the Hearing
- 34 Examiner's satisfaction that the following criteria can be met:
- 35 (i) The use does not substantially detract from natural resource production
- 36 on-site or in the area.
- 37 (ii) The use is directly related to natural resource enhancement or production.
- 38 (b) Temporary manufactured home. A temporary manufactured home accessory to a
- 39 farm dwelling unit on property meeting the definition of a farm in RCW
- 40 84.34.020 to accommodate agricultural workers and their families employed on
- 41 the premises, as provided:
- 42 (i) The property must meet the definition of a farm in RCW 84.34.020 (Open
- 43 Space Taxation).
- 44 (ii) Demonstrate compliance with the temporary worker standards in
- 45 Washington State Law including RCW 19.27, RCW 70.114a, RCW 49.17,
- 46 RCW 43.22, and RCW 43.70.

- 1 (c) Bed and breakfast. Bed and breakfast special use permits are subject to the
 2 following requirements:
 3 (i) They are owner occupied and managed.
 4 (ii) Parking is on-site and a minimum of 10 feet away from neighboring
 5 residences.
 6 (iii) All lighting is directed away from neighboring residences.
 7 (iv) It is demonstrated that the impacts will be no more obtrusive than a
 8 residence.
 9 (v) 5 bedrooms or less are available for guest use.
- 10 (d) Outdoor Outfitters Enterprises. Special use permits for outdoor outfitters
 11 enterprises shall be subject to the following requirements:
 12 (i) Temporary lodging may be allowed at temporary primitive campgrounds
 13 as regulated in each district, existing lodges/cabins, or approved bed and
 14 breakfasts.
 15 (ii) No more than 5 self-contained RV's shall be allowed with such enterprises
 16 at any one time.
 17 (iii) Temporary lodging in a single location shall not exceed 14 days for any 1
 18 individual, group or party.
 19 (iv) At least 7 days must pass before registered guests may return for lodging.
 20 (v) A site plan showing the location, size, access of proposed primitive
 21 campsites, existing lodges/cabins, and RV sites is required to be submitted
 22 with the Special Use application.
- 23 (e) Home Based Business 2. Special Use permits are subject to the following criteria:
 24 (i) Is carried out by a member or members of a family residing in the
 25 dwelling and may include up to 3 additional employees;
 26 (ii) Is clearly incidental and secondary to the use of the property for dwelling
 27 purposes;
 28 (iii) The business activity may be conducted in other than the dwelling;
 29 (iv) Has no outside storage nor other exterior indication of the home
 30 occupation or variation from the residential character of the property with
 31 the exception of 1 sign not to exceed 4 square feet, provided such sign shall
 32 not be illuminated;
 33 (v) Does not create a level of electrical interference, line voltage fluctuation,
 34 noise vibration, smoke, dust, odors, heat, glare, traffic and other
 35 environmental impacts beyond that which is common to a residential area;
 36 (vi) Does not create a level of parking demand beyond that which is normal to
 37 a residential area; and
 38 (vii) May have clients come to the site.

39 It should be noted that the intent of this category of Special Uses is to allow home
 40 based businesses to operate with the above-noted limitations. When the business
 41 grows beyond the criteria established above and the conditions included in any
 42 approval, the business shall relocate to a zoning classification which would permit
 43 the activity.