



# Comprehensive Plan Policy or Development Regulation Amendment Suggestion

Planning & Development Services · 1800 Continental Place · Mount Vernon WA 98273  
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Per RCW 36.70A.470(2), this form is intended for use by any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest amendments to Skagit County's Comprehensive Plan policies or its development regulations, which are contained in Skagit County Code Title 14. Please do not combine multiple unrelated Comprehensive Plan policy or development regulation amendments on a single form. This form is for policy or development regulation amendments; use the Comprehensive Plan Map Amendment Request form for changes to the land use/zoning map.

## Submitted By

Name	<u>Allen Rozema</u>	Organization	<u>Skagitonians to Preserve Farmland</u>	
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## Proposal Description

Please answer all of the questions below that are applicable to your suggestion.

1. Describe your proposed amendment.

Re-classifying agricultural processing facilities from primary agricultural activity to an agricultural accessory use and changing Agricultural Processing Facilities between 10,001 sq. ft. and 30,000 sq. ft. in size from an outright permitted use to an Administrative Special Use Permit and Agricultural Processing Facilities larger than 30,000 sq. ft. in size to a Hearing Examiner Special Use.

2. Describe the reasons your proposed amendment is needed or important.

Currently SCC treats Agricultural Processing Facilities as a soil dependent use within the Agricultural Zone despite current SCC and state definitions that define agricultural processing and agricultural processing facilities as an agricultural accessory use. The proposed amendment(s) will still allow agricultural processing to occur within the Ag.-NRL zoned lands but as an "accessory use" to an existing farm operation and will condition their placement.

3. If you are suggesting revision to a particular section of the Comprehensive Plan, please identify which section(s):

N/A

4. If you are suggesting revision to the Comprehensive Plan, would the revision create inconsistencies with existing sections of the Comprehensive Plan? If so, please list those sections:

N/A

5. If you are suggesting revision to the Comprehensive Plan, would the revision require corresponding amendments to the County's development regulations?

N/A

6. If you are suggesting revision to a particular section of Skagit County Code Title 14, please identify which section(s).

SCC 14.04.020, SCC 14.16.400(2), SCC 14.16.400(3), SCC 14.16.400(4) and SCC 14.16.400(6)

7. If you are suggesting this development regulation amendment as a result of a particular project or permit application, please identify which project or application:

BP15-0915, FP15-0126, and PL15-410

8. *If you are suggesting specific language as part of your amendment, please attach that specific language. Specific language is not required.*

Please see attached

9. *Describe why existing Comprehensive Plan policies should not continue to be in effect or why they no longer apply.*

N/A

10. *Describe how the amendment complies with the Comprehensive Plan's community vision statements, goals, objectives, and policy directives.*

The proposed amendments are intended to align Skagit County's Unified Development Code to Chapter 4, the Natural Resource Lands Element of Comprehensive Plan as well the declared purpose of Skagit County's Agricultural Natural Resource Lands zoning classification.

Specifically the proposed amendments are aligned with and support the following Skagit County's Comprehensive Plan Policies and Goals:

General Policy Goals: Agricultural Resources Lands - Protect the agricultural land resource and farming in Skagit County; endeavor to minimize the loss of the resource; mitigate unavoidable losses; and replace lost resources whenever possible. These principles shall guide Skagit County's actions to: Preserve agricultural land for agricultural uses; limit new non-agricultural uses and activities on agricultural resource lands; provide educational and support services that maintain the farming industry and lifestyle; promote the economic benefits of farming; resolve conflicts between agricultural and environmental objectives; and monitor the long-term achievement of the goals and policies.

Policy 4a-4.1: Agricultural Production is the highest priority use in designated agricultural resource lands.

Policy 4A-4.3: Farm-based businesses shall be allowed as an accessory use in Agricultural Resource Land[s]. Farm-based businesses are an accessory use, secondary to the primary agricultural use of the farm property, and shall not interfere with adjacent farming operations, cause nuisances for nearby residences or generate large amounts of traffic.

Goal A-5, Minimize Land Use Conflicts. Minimize Land use conflicts and promote mitigation of conflicts on the lands adjacent to agricultural resource lands.

Finally, the proposed code amendments are consistent with and intended to help achieve the stated purposed of Skagit County's Agricultural Natural Resource Lands (Ag.-NRL) zoning designation as stated in SCC 14.16.400 (1)

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

11. *Describe the anticipated impacts to be caused by the change, including geographic area affected and issues presented.*

The geographic areas potentially affected would be lands zoned Ag-NRL and NRI and potentially lands generally known to be classified as industrial or commercial within local municipal boundaries, however each municipality classifies and zones manufacturing and food processing.

It is anticipated this would help to achieve the following:

Minimize the conversion of our remaining prime agricultural soils to non-soil dependent uses

Minimize impacts to our remaining prime agricultural soils

Minimize impacts to agricultural drainage infrastructure

Encourage new large-scale agricultural processing facilities in locations better suited to provide the services necessary to support the processing activity.

12. Describe how adopted functional plans and Capital Facilities Plans support the change.

13. Describe any public review of the request that has already occurred.

## Notices

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**Fees.** No fees are required for a policy or code change suggestion, per SCC 14.08.020(6).

**Docketing.** SCC Chapter 14.08 governs the process for docketing of Comprehensive Plan amendments; suggestions for changes to the development regulations are docketed following the same process. Docketing of a suggestion is procedural only and does not constitute a decision by the Board of County Commissioners as to whether the amendment will ultimately be approved.

Amendments are usually concluded by the end of the year following the request. State law generally prohibits the County from amending its Comprehensive Plan more than once per year.

**Submission deadline.** Suggestions must be received by the last business day of July for docketing. Suggestions received after that date will not be considered until the following year's docket.

**How to Submit.** Submit your suggestion via email (preferred) to [pdscomments@co.skagit.wa.us](mailto:pdscomments@co.skagit.wa.us) or to Planning & Development Services at the address above.

## Skagit County Unified Development Code Title 14.16 – Zoning

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

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

#### **(2) Permitted Uses.**

- (a) Agriculture.
- (b) Agricultural accessory uses.
- (c) Agricultural processing facilities up to 10,000 sq. ft. that process agricultural products predominantly grown on-site or produced principally from the entire commercial farm operation and which shall predominantly serve the principal use of the farm.
- (d) Co-housing, as part of CaRD, subject to SCC 14.18.300 through 14.18.330.
- (e) Commercial greenhouse operations that are an integral part of a local soil-based commercial agriculture operation.
- (f) Individual or multiple farm composting as an incidental agricultural operation to a working farm with no net loss of soil. The composting operation shall be managed according to an approved nutrient management plan in conjunction with the local Conservation District and Natural Resources Conservation Service (NRCS) standards and all applicable environmental, solid waste, access and health regulations. Such use shall not generate traffic uncommon to a farm operation.
- (g) Family day care provider as defined in Chapter 14.04 SCC; provided, that no conversion of agricultural land is allowed.
- (h) Farm-based business carried on exclusively by a member or members of a family residing on the farm and employing no more than 3 nonresident full-time equivalent employees.
- (i) Historic sites open to the public that do not interfere with the management of the agricultural land.
- (j) Home Based Business 1.

- (k) Manure lagoons.
  
- (l) Cultivation and harvest of any forest products or forest crop and necessary accessory buildings.
  
- (m) On-site sorting, bagging, storage, and similar wholesale processing activities of agricultural products that are predominantly grown on-site or produced principally from the entire commercial farm operation. Such activities shall be limited to those which are integrally related to the agricultural production and harvesting process.
  
- (n) Seasonal roadside stands not exceeding 300 square feet.
  
- (o) Single-family detached residential dwelling unit and residential accessory uses, when accessory to an agricultural use; and provided, that no conversion of agricultural land is allowed for accessory uses.
  
- (p) Water diversion structures and impoundments related to resource management.
  
- (q) Wholesale nurseries.
  
- (r) Anaerobic digester, when accessory to an agricultural use.
  
- (s) Maintenance, drainage.
  
- (t) Net metering system, solar.
  
- (u) Repair, replacement and maintenance of water lines with an inside diameter of 8 inches or less.

**(3) Administrative Special Uses.**

(a) Agricultural slaughtering facilities up to 30,000 sq.ft.

(b) Agricultural Processing Facilities from 10,001 sq.ft. to 30,000 sq.ft. that process agricultural products predominantly grown on-site or produced principally from the entire commercial farm operation and which shall predominantly serve the principal use of the farm.

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

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

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

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

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

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

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

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

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

- (~~hi~~) Personal wireless services towers, subject to SCC 14.16.720.
- (~~ij~~) Seasonal roadside stands not exceeding 2,000 square feet, except as allowed in Subsection (2)(n) of this Section.
- (~~jk~~) Temporary manufactured homes; provided, that no conversion of agricultural land is allowed.
- (~~kl~~) Temporary events related to agricultural production; and provided, that no agricultural land is converted and no permanent structures are constructed.
- (~~lm~~) Trails and primary and secondary trailheads.
- (~~mn~~) Marijuana production/processing facility in a structure existing as of January 1, 2014.

**(4) Hearing Examiner Special Uses.**

- (a) Aircraft landing field, private, as an accessory to an agricultural use only, provided the applicant has proven that there is no other viable alternative to providing the service on natural resource lands.
- (b) Concentrated animal feeding operation.
- (c) Agricultural slaughtering facilities larger than 30,000 sq.ft.
- (d) Agricultural Processing Facilities larger than 30,000 sq. ft. that process agricultural products predominantly grown on-site or produced principally from the entire commercial farm operation and which shall predominantly serve the principal use of the farm.
- (~~ee~~) Expansion of existing natural resource industrial zoned agricultural support service businesses, provided the expansion is limited to only the area necessary for the business; and also provided, that any conversion of agricultural land is minimized to the greatest extent possible.
- (~~ff~~) Habitat enhancement and/or restoration projects, except mitigation banks as defined by SCC 14.04.020.
- (~~eg~~) Home Based Business 3, provided the use is accessory to an actively managed, ongoing agricultural operation and no conversion of agricultural land is required to accommodate the business activity.
- (~~fh~~) Kennel, limited, if accessory to an existing residence or natural resource operation; and provided, that no resource land is converted or taken out of production.
- (~~gi~~) Major public uses related to the provision of emergency services where there is no other viable parcel of non-resource designated land to serve the affected area. Applicants shall demonstrate the need to locate the use in the natural resource land. Analysis of alternatives to the development of the use within the natural resource land must be provided.

- | ~~(h)~~ Major utility developments where there is no other viable parcel or non-agricultural designated land to serve the affected area. Analysis of alternatives to the development of the utility in the natural resource land must be provided.
- | ~~(i)~~ Natural resource research and training facility.
- | ~~(j)~~ Outdoor outfitters enterprises as defined in Chapter 14.04 SCC that remain incidental to the primary use of the property for agriculture, result in no conversion of agricultural land; and provided, that temporary lodging, etc., as regulated in SCC 14.16.900(2)(d) is prohibited.
- | ~~(k)~~ Primitive marinas with not greater than 3 slips.
- | ~~(l)~~ Seasonal roadside stands not exceeding 5,000 square feet, except as allowed in Subsections (2)(n) and (3)(i) of this Section.
- | ~~(m)~~ Shooting club (outdoor), with no associated enclosed structures allowed except as needed for emergency communications equipment; and provided, that no conversion of agricultural land is allowed.
- | ~~(n)~~ Temporary asphalt/concrete batching as defined and limited in Chapter 14.04 SCC, provided there is no other viable parcel of non-resource designated land to serve the purpose.
- | ~~(o)~~ Anaerobic digester.



**(5) Dimensional Standards.**

(a) Setbacks.

(i) Residential.

(A) Front: 35 feet minimum, 200 feet maximum from public road. Unless specified below or elsewhere in this Chapter, no portion of a structure shall be located closer than 35 feet from the front lot line and no portion of a structure shall be located further than 200 feet from the front lot line. If a parcel is located such that no portion or developable portion of the property is within 200 feet of a public road, the maximum 200-foot setback shall be measured from the front property line. The maximum setback may be waived by Planning and Development Services where critical areas, preventing the placement of residential structures, are located within the 200-foot setback area. The maximum setback may also be waived by Planning and Development Services in cases where nonfloodplain or nonprime agricultural land is located on the lot outside of the setback area, which would provide for a more appropriate placement of residential structures. In cases where a residence exists outside the setback area, residential accessory structures may be placed outside the setback area if located in accordance with the siting criteria outlined in Subsection (6) of this Section.

(B) Side: 8 feet adjacent to a property line.

(C) Rear: 35 feet.

(D) Accessory: Same as principal structures.

(ii) Nonresidential.

(A) Front: 35 feet.

(B) Side: 15 feet.

(C) Rear: 35 feet.

(b) Maximum height: 40 feet.

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

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

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

(a) Siting of all structures in the Agricultural—Natural Resource Lands district shall minimize potential impacts ~~on to agricultural resource lands, agricultural drainage and to~~ agricultural activities to the greatest extent possible.

(b) When no structures or no compatible structures exist on the subject property or adjacent properties, new structures shall be located in a corner of the property and all development including but not limited to structures, parking areas, driveways, septic systems, stormwater detention and treatment facilities and landscaping shall be contained within ~~an~~ the smallest area of no more than 1 acre feasible and that any conversion of agricultural resource land is minimized to the greatest extent possible. Unless substantial evidence is provided indicating the location is not feasible, wells shall also be located within the 1-acre area whenever possible. Wells located outside of the 1-acre area shall be sited to minimize potential impacts on agricultural activities.

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

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

(ii) When the provisions of Subsection (6)(c)(i) of this Section are not possible, locate new structure(s) within the existing, developed area of any compatible structure in the same ownership and also provided, that any conversion of agricultural land is minimized to the greatest extent possible.

(iii) When the provisions of Subsection (6)(c)(i) or (6)(c)(ii) of this Section are not possible, site new structure(s) to achieve minimum distance from any existing compatible structure on either the subject property or an adjacent property. All development, including, but not limited to, structures, parking areas, driveways, septic systems, wells, and landscaping, shall be designed to be on the smallest footprint possible and designed to minimize impacts to agricultural resource lands, agricultural drainage infrastructure and agricultural activities to the greatest extent possible. ~~be contained within an area of no more than 1 acre.~~

**(7) Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and the rest of the Skagit County Code.** (Ord. O20150005 § 3 (Att. 1); Ord. O20110007 Attch. 1 (part); Ord. O20090011 Attch. 2 (part); Ord. O20090010 Attch. 1 (part); Ord. O20090006; Ord. O20080012 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. O20050003 (part); Ord. O20030021 (part); Ord. R20020130 (part); Ord. 18375 §§ 4 (part), 5, 2001; Ord. 18069 Appx. A (part), 2000; Ord. 17938 Attch. F (part), 2000)

## **Skagit County Unified Development Code**

### **SCC 14.04.020 - Definitions**

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

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

**Agricultural Advisory Board:** a formally established Board that reviews and monitors agricultural policies and programs, and advises the Skagit County Board of Commissioners, the Planning Commission, and Planning and Development Services on issues regarding agriculture lands in Skagit County. This group will be the principal group responsible for developing and implementation of the policies within the Agricultural Element of the Comprehensive Plan.

**Agricultural building:** This definition is to be used for purposes of implementing Chapter 14.34 SCC, Flood Damage Prevention, only. A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment, nor shall it be a place used by the public.

**Agricultural Natural Resource Land:** means land designated as Ag-NRL which is primarily devoted to the commercial production of horticultural (including fiber production such as hybrid cottonwoods), viticultural, floricultural, dairy, apiary, vegetable or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees (not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140), finfish in upland hatcheries, or livestock (including livestock raised for personal use), and that has long-term commercial significance for agricultural production. The Revised Code of Washington, for 1997, has several definitions for agriculture. The State Hydraulics Code (Chapter 75.20 RCW) is necessary to implement the riparian protection section of the CAO; it requires the use of the definitions of agriculture as given in RCW 84.34.020 and 36.70A.030(2).

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

**Agricultural slaughtering facility:** an agricultural accessory use and facility which slaughters animals or fowl grown in commercial agriculture for processing and sales.

**Agricultural support services:** any nonagricultural use which is directly related to agriculture and directly dependent upon agriculture for its existence. These support services generally exist off-site and within districts that are intended to facilitate the production, marketing and distribution of agricultural products. Agricultural support services are separate and distinct from farm-based business.

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