



Planning & Development Services

1800 Continental Place ▪ Mount Vernon, Washington 98273
office 360-416-1320 ▪ pds@co.skagit.wa.us ▪ www.skagitcounty.net/planning

Memorandum

To: Skagit County Board of County Commissioners

From: Hal Hart, and Peter Gill

Re: Planning Commission's Recorded Motion on the 2021 Planning Docket

Date: March 10, 2022

Summary

Planning and Development Services (PDS) is providing this staff report in advance of the March 28, 2022, meeting of the Board of Commissioners on the 2021 Comprehensive Plan, Map, and Development Regulation amendments (Planning Docket). This memo serves as a formal transmittal of the Planning Commission Recorded Motion within two weeks of signature. Appendix 1 contains the Planning Commission Recorded Motion and Appendix 2 is the amendments.

Background

The Washington State Growth Management Act (GMA) allows the County to amend its Comprehensive Plan and land use/zoning map once per year, with a few exceptions, through an annual docket process. The Skagit Board of County Commissioners (Board) established the 2021 Docket based on petitions received in 2019 and 2020. Resolution, #R2021084 was adopted following a public hearing on May 3, 2021.

Skagit County Planning & Development Services (PDS) analyzed the docketed proposals under the State Environmental Policy Act (SEPA) and for consistency with the existing comprehensive plan, the adopted land use/zoning map, and the unified development regulations. A full proposal was released for public review and comment on December 23, 2021. A public hearing was held with the Skagit County Planning Commission on January 11, 2022, and supplemental staff reports were provided to give a synopsis of public comments and answer Planning Commission questions.

The Planning Commission recorded motion (Appendix 1) was approved on February 22, 2022. The recorded motion includes recommendations for the Board's consideration. The various staff reports, memos, public noticing documents, and public comments are available to view on the County's project webpage at the following address: <http://www.skagitcounty.net/2021CPA>.

This memo serves as a formal transmittal of the Planning Commission recommendation within two weeks of signature.

Public Notice and Participation

On December 23, 2021, the Staff Report for the 2021 Docket of Proposed Policy, Code, and Map Amendments was published to the County website. The public notice opened the comment period, noticed the public Hearing, and provided the environmental (SEPA) determinations.

Notice was published to the Skagit Valley Herald, the PDS email distribution list, SEPA distribution list, and posted to the PDS and legal notice webpage. Notice was also sent to landowners within 300 feet of the proposed rezone (PL19-0419).

On January 11, 2022, the Planning Commission held a virtual public hearing on the 2021 Docket as authorized by Skagit County Code (SCC) 14.08.080. The hearing was attended by the full Planning Commission and testimony was provided by petition applicants as well as the public. A total of nine participants spoke on the docket. A full transcript of the meeting can be found on the [Planning Commission Agenda and Archive page](#)¹.

A total of 53 comments were submitted during the comment period, December 23, 2021, to January 13, 2022. Written and verbal comments can be found as [Appendix 1](#)² of the January 19, 2021, Supplemental Staff Report.

Summary of Planning Commission's Recorded Motion

The Planning Commission heard testimony to amend the comprehensive plan, the land use/zoning map, and development regulations during a public hearing on January 11, 2022. On February 8, 2022, and February 22, 2022, the Planning Commission deliberated on the docket proposals. The recorded motion (Appendix 1) was approved on February 22, 2022. The motion carried 7-0-0-1 (One member being absent, and one seat being vacant). Appendix 1 is the Recorded Motion from the Planning Commission recommending the Board adopt, deny, or defer the proposed amendments. Code, map, and policy amendments can be found in Appendix 2.

The Planning Commission recommended the following petitions for **approval**:

- PL19-0419 Nielson Brothers Comprehensive Plan & Zoning Map Amendment: Change 11.89 acres, east of Sedro Woolley, from Agriculture – Natural Resource Lands to Natural Resource Industrial.

¹ <https://www.skagitcounty.net/Departments/PlanningCommission/PCminutes.htm>

² <https://www.skagitcounty.net/PlanningAndPermit/Documents/2021CPA/Appendix1-2021%20Docket%20Public%20Comments%20and%20Testimony%20Compiled-compressed.pdf>



-
- LR 20-02 Small Scale Business Zone Use Amendment: Amend SCC 14.16.140 Small Scale Business (SSB) zone to include restaurants as an accessory use.
 - LR21-04 Agricultural Processing Facilities in Bayview Ridge-Light Industrial: Clarify “Agricultural and food processing, storage and transportation”, a permitted use in Bayview Ridge Light Industrial (BR-LI) zone, by adding Agricultural slaughtering facilities as an accessory use.
 - C21-1 2020 Comprehensive Parks & Recreation Plan: Update the Comprehensive Plan to incorporate the 2020 Comprehensive Parks & Recreation Plan. This includes review of zoning and consistency of park classifications.
 - C21-3 Hamilton Zoning & Comprehensive Plan Updates: Changes to the County Comprehensive Plan are needed to reflect the 2019 Hamilton annexation. This change will clean up zoning references that don’t exist anymore.
 - C21-4 Reduced Front Setback to Include Class 19 Roads.
 - C21-5 Pre-application requirement: Pre-application meeting requirement associated with a Project permit would no longer be required.

The Planning Commission recommended the following petitions for **denial**:

- LR 20-05 Public Notice Amendment for Mineral Resource Extraction Area: Amend SCC 14.06.150, Public Notice Requirements. For mineral extraction activities notice must be provided within one mile and be posted at any post offices of nearby communities.
- LR20-07 Accessory Dwelling Unit Code Amendment: This proposal relaxes the family member occupancy requirement and removes the current Accessory Dwelling Unit size restrictions for existing structures³.
- LR21-02 Clarify CaRD Land Divisions and the “Reserve” Function: Clarify the definition and function of the Conservation and Reserve Developments (CaRD) within the Comprehensive Plan and code.
- C21-2 SEPA Determination Review Timing: The code for independent SEPA reviews does not require the submittal of a development permit when in the feasibility stage. This amendment would clarify that an appeal can be filed prior to a permit decision.

³ The Planning Commission recommended to deny the petition but did recommend changes to the ADU provisions.

Planning and Development Services (PDS) Department Recommendation

PDS staff provided recommendations in staff reports to the Planning Commission. These were provided in the [December 23, 2021, Staff Report](#)⁴ and supported in supplemental staff reports. Generally, the department is supportive of the recommendations in the Planning Commission recorded motion. More discussion is needed on the ADU recommendation (LR20-07) and the Public Notice Requirements for Mineral Resource extraction (LR20-05).

Requested Board Action

The Department will present the Planning Commission Recorded Motion and this memo to the Board on Tuesday, March 28, 2022. Amendments can be found in Appendix 2. The BoCC is authorized by SCC 14.08.090 to take the following actions to address the docket:

1. Adopt the docketed proposals.
2. Adopt the docketed proposals with modifications. Per SCC 14.08.090(2)(b)(i-v), substantial changes to any of the proposals shall require an additional opportunity for public review prior to final action.
3. Decline to adopt any of the docketed proposals.
4. Remand the issue(s) to the Department or the Planning Commission for additional work, study, review, or refinement.

Following this meeting, PDS will prepare an ordinance for Board deliberation on the 2021 Planning Docket.

Attachments:

- Appendix 1, Planning Commission Recorded Motion, 2021 Docket of Proposed Policy, Code, and Map Amendments
- Appendix 2, Amendments to 2020 – 2021 Comprehensive Plan and Development Regulations

⁴ https://www.skagitcounty.net/PlanningAndPermit/Documents/2021CPA/StaffReport_2021docket_PC_2021-1223.pdf





Skagit County Planning Commission

www.skagitcounty.net/planningcommission

Chair Tim Raschko **Vice Chair** Tammy Candler
Members Vincent Henley, Amy Hughes, Mark Knutzen, Kathy Mitchell, Martha Rose,
Joe Woodmansee

Tuesday, February 22, 2022

Skagit County Planning Commission's Recorded Motion regarding 2021 Docket of Comprehensive Plan, Map, and Development Code Amendments

Proposal publication date:	December 23, 2021
Proposal name:	2021 Docket of Comprehensive Plan, Map, and Development Code Amendments
Documents available at:	www.skagitcounty.net/2021CPA
Public hearing body:	Skagit County Planning Commission
Public hearing date:	Tuesday, January 11, 2022 at 6:00 p.m.
Written comment deadline:	Thursday, January 13, 2022 at 4:30 p.m.
PC deliberations:	February 8, 2022, February 22, 2022

On May 11, 2021, the Skagit County Board of Commissioners deliberated on the proposals for the 2021 docket, including public comments received, and passed Resolution R20210084 including twelve petitions in the 2021 Docket.

Petition LR20-04, Fully Contained Communities was subsequently deferred by the Board of Commissioners with Resolution R20220010 on January 20, 2022.

The Planning Commission held work sessions on the docket June 15, 2021, July 13, 2021, November 30, 2021, and December 14, 2021, prior to the public hearing.

On December 23, 2021, the Planning and Development Services Department published a Notice of Availability (including SEPA determination of non-significance and notice of written comment period and public hearing) and staff report, and transmitted a 60-day Notice of Intent to Adopt to the Department of Commerce.

The Staff Report published on December 23, 2021, and supplemental staff reports contain additional findings related to process, public notice, and department recommendations.

The public comment period was open from December 23, 2021 until January 13, 2022, in which the County received 53 comments.

All the written comments and hearing testimony were provided to the Planning Commission in a supplemental staff report dated January 19, 2022.

On January 25, 2022, a work session with the Planning Commission was held to discuss the public comments.

Planning Commission deliberated on the docket on February 8, 2022, and February 22, 2022.

After considering the written and spoken comments and considering the record before it, the Planning Commission enters the following findings of fact, reasons for action, and recommendations to the Board of County Commissioners.

Recommendations, Findings of Fact and Reasons for Action

Item PL19-0419: Nielsen Brothers Comprehensive Plan & Zoning Map Amendment

1. The Planning Commission recommends that the Board of County Commissioners **approve** the comprehensive plan and zoning map amendment to rezone the Nielsen Brothers property from Ag-NRL to Natural Resource Industrial.

Findings of fact and reasons for action:

- a. There is no opposition from the Agricultural Advisory Board.
- b. The business has operated successfully, and this change allows it to continue.
- c. The changes allow for improvements to the business and improvements to the protection of the environment.
- d. The location is close to other businesses and the highway needed for this type of work.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	■			
Tammy Candler, Vice Chair	■			
Kathy Mitchell	■			
Vincent Henley	■			
Mark Knutzen	■			
Amy Hughes	■			
Martha Rose	■			
Joe Woodmansee	■			
Total	8	0	0	0

Item LR20-02 Small Scale Business Zone Use Amendment

1. The Planning Commission recommends that the Board of County Commissioners **approve** the Small Scale Business zone use amendment.

Findings of fact and reasons for action:

- a. The amendment allows for these businesses to have this accessory use, appropriate for this zone.
- b. Skagit County has the necessary standards and codes and constraints to allow this activity.
- c. The proposal follows the Comprehensive Plan vision for economic development in rural areas.
- d. Important to be supportive of appropriate business activities complementary to surrounding communities.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	■			
Tammy Candler, Vice Chair	■			
Kathy Mitchell	■			
Vincent Henley	■			
Mark Knutzen	■			
Amy Hughes	■			
Martha Rose	■			
Joe Woodmansee	■			
Total	8	0	0	0

Item LR20-05 Public Notice Amendment for Mineral Resource Extraction Area

1. The Planning Commission recommends to the Board of County Commissioners to **deny** the public notice amendment for mineral resource extraction areas.

Findings of fact and reasons for action:

- a. Mining has been a part of the County since the late 1800's.
- b. Since GMA came into being the County has worked on the mineral resources overlay in 1997 and again under extensive review from 2005 to the 2007 Comprehensive Plan updates.
- c. According to the State mining is a primary natural resource.
- d. Mining operations already operate under stringent regulations.
- e. The County has tried to separate rural and mining activities through the zoning and MRO overlay and buffers.
- f. Other jurisdictions notice standards should not be a reason for Skagit County to make a change.
- g. There is a need for gravel in the building industry, this is a resource that can be scarce.
- h. There is a need to support local businesses and economic activity in Skagit County.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	■			
Tammy Candler, Vice Chair	■			
Kathy Mitchell	■			
Vincent Henley	■			
Mark Knutzen	■			
Amy Hughes	■			
Martha Rose	■			
Joe Woodmansee	■			
Total	8	0	0	0

Item LR20-07 Accessory Dwelling Unit Code Amendment

1. The Planning Commission recommends that the Board of County Commissioners **deny LR20-07 in order to retain the familial connection to the land. The Planning Commission also recommends that Board of County Commissioners direct the Planning department to increase the size to a maximum of 1,200 square feet and remove the condition that the dwelling unit is limited to 50% of the primary residential unit.**

Findings of fact and reasons for action:

- a. The Planning Commission finds that the maximum size of the ADU would better serve the community if it were 1,200 square feet.
- b. The familial tie to the land is critical in order to preserve and maintain the land and property. Owners typically have far more incentive to take care of the land well.
- c. We are not on track to have the population growth in the County limited to 20% of the overall growth, and we would like to be thoughtful about how and where these additional housing opportunities are in the County.
- d. Removing the familial requirement could result in an unintended consequence of encouraging speculative development looking to build rental housing.
- e. These recommendations do not change how many or where ADU’s can be built, nor how they can be used.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	■			
Tammy Candler, Vice Chair	■			
Kathy Mitchell	■			
Vincent Henley	■			
Mark Knutzen	■			
Amy Hughes			■	
Martha Rose	■			
Joe Woodmansee		■		
Total	6	1	1	0

Item LR21-02 Clarify CaRD Land Divisions and the “Reserve” Function

1. The Planning Commission recommends to the Board of County Commissioners to **deny LR21-02.**

Findings of fact and reasons for action:

- a. The petition was somewhat vague to be actionable, but we would encourage the Planning Department to be generous with their time and expertise to inform customers and applicants as to the options for open space tracts in CaRD land divisions.
- b. Staff showed how the CaRDs are working as is, and that the policies and regulations are having their desired effect.
- c. This issue could be addressed by a handout specific to the OS-UR designation, when adjacent to Rural Villages.
- d. Pre-development and pre-application meetings are the right venue in order to evaluate the options for open space tracts in CaRD land divisions.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	■			
Tammy Candler, Vice Chair	■			
Kathy Mitchell	■			
Vincent Henley	■			
Mark Knutzen	■			
Amy Hughes			■	
Martha Rose	■			
Joe Woodmansee	■			
Total	7	0	1	0

Item LR21-04 Agricultural Processing Facilities in BR-Light Industrial

1. The Planning Commission recommends that the Board of County Commissioners approve LR21-04, the agricultural processing facilities in BR-Light Industrial amendment.

Findings of fact and reasons for action:

- a. Bayview Ridge light industrial zone is a good area for this type of processing.
- b. There is a need for more agricultural slaughtering facilities beyond the mobile units.
- c. Recent COVID events have shown a need for local food production.
- d. A larger facility is more environmentally protective by having the slaughtering take place in a controlled facility rather than out in the field with varying conditions and protections.
- e. The transportation infrastructure makes this site advantageous for local agriculture.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	■			
Tammy Candler, Vice Chair	■			
Kathy Mitchell	■			
Vincent Henley	■			
Mark Knutzen	■			
Amy Hughes	■			
Martha Rose	■			
Joe Woodmansee	■			
Total	8	0	0	0

Item C21-1 2020 Comprehensive Parks & Recreation Plan

1. The Planning Commission recommends that the Board of County Commissioners **approve** the 2020 comprehensive parks and recreation plan amendment, **consistent with Option A.**

Findings of fact and reasons for action:

- a. This change will conform present park uses where appropriate and consistent with the County Comprehensive Plan.
- b. The amendment would allow for changes and improvements to existing parks in appropriate zones, where they existed prior to GMA.
- c. The following mandated GMA Planning Goals are directly relevant to park matters addressed in this amendment:
 - *Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.*
 - *Identify and encourage the preservation of lands, sites, and structures that have historical or archeological significance.*
- d. This change will support new parks where consistent with the County Comprehensive Plan.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	■			
Tammy Candler, Vice Chair	■			
Kathy Mitchell	■			
Vincent Henley	■			
Mark Knutzen	■			
Amy Hughes	■			
Martha Rose	■			
Joe Woodmansee	■			
Total	8	0	0	0

Item C21-2 SEPA Determination Review Timing

1. The Planning Commission recommends to the Board of County Commissioners to **deny** the SEPA determination review timing amendment.

Findings of fact and reasons for action:

- a. Change is not allowed under state law.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	■			
Tammy Candler, Vice Chair	■			
Kathy Mitchell	■			
Vincent Henley	■			
Mark Knutzen	■			
Amy Hughes	■			
Martha Rose	■			
Joe Woodmansee	■			
Total	8	0	0	0

Item C21-3 Hamilton Zoning & Comprehensive Plan Updates

1. The Planning Commission recommends to the Board of County Commissioners to accept the Hamilton zoning and comprehensive plan updates.

Findings of fact and reasons for action:

- a. It is important to clean up outdated code references to keep the Development code current.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	■			
Tammy Candler, Vice Chair	■			
Kathy Mitchell	■			
Vincent Henley	■			
Mark Knutzen	■			
Amy Hughes	■			
Martha Rose	■			
Joe Woodmansee	■			
Total	0	0	0	0

Item C21-4 Reduced Front Setback to Include Class 19 Roads

1. The Planning Commission recommends to the Board of County Commissioners to **approve** the reduced front setback on class 19 roads within the Bayview Ridge Residential zone.

Findings of fact and reasons for action:

- a. This change will make the setbacks consistent within this zone.
- b. This can lower the footprint with shorter driveways.
- c. The change provides more flexibility within the building lot.
- d. This is consistent with Skagit County Comprehensive Plan goals for safe and reasonable setbacks.
- e. Shorter setbacks are more neighbor friendly.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	■			
Tammy Candler, Vice Chair	■			
Kathy Mitchell	■			
Vincent Henley	■			
Mark Knutzen	■			
Amy Hughes	■			
Martha Rose	■			
Joe Woodmansee	■			
Total	8	0	0	0

Item C21-5 Pre-application Requirement

1. The Planning Commission recommends to the Board of County Commissioners to **approve** the pre-application requirement update.

Findings of fact and reasons for action:

- a. The change makes the code consistent with current practices.
- b. Codifies the review process and eliminates a preapplication waiver
- c. Allows the applicant a choice of pre permitting review
- d. Saves staff time with a more efficient review process

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	■			
Tammy Candler, Vice Chair	■			
Kathy Mitchell	■			
Vincent Henley	■			
Mark Knutzen	■			
Amy Hughes	■			
Martha Rose	■			
Joe Woodmansee	■			
Total	8	0	0	0

The Planning Commission recommends that the Board of County Commissioners adopt the 2021 Docket of Comprehensive Plan, Map, and Development Code Amendments as recommended.

This recorded motion **approved** on this 22 day of February, 2022.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	■			
Tammy Candler, Vice Chair	■			
Kathy Mitchell	■			
Vincent Henley	■			
Mark Knutzen	■			
Amy Hughes			■	
Martha Rose	■			
Joe Woodmansee	■			
Total	7	0	1	0

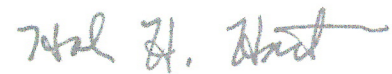
SKAGIT COUNTY PLANNING COMMISSION
SKAGIT COUNTY, WASHINGTON



Tim Raschko, Chair

2/24/2022

Date



Hal Hart, Secretary

02/24/2022

Date

Amendments to 2021 Comprehensive Plan, Map, and Development Regulations

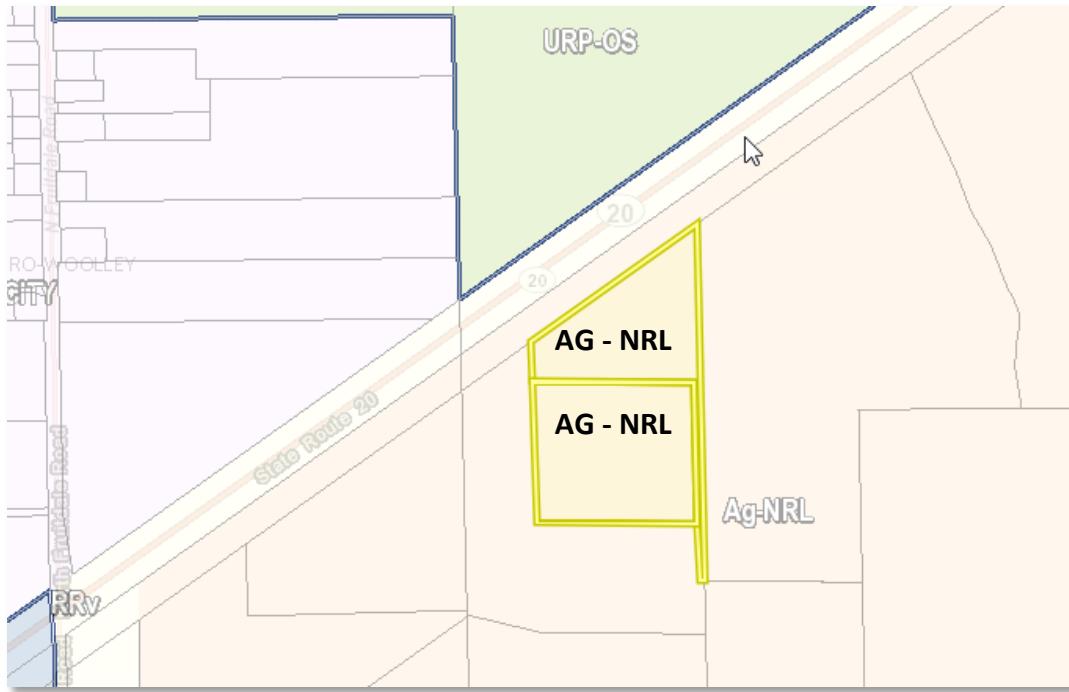
<p><u>Key to changes:</u></p> <p>Plain text = existing writing with no changes</p> <p>Strikethrough = existing writing to be deleted</p> <p><u>Underlined</u> = new writing to be added</p> <p>Double Strikethrough = existing writing moved to another location</p> <p><u>Double Underline</u> = existing writing moved from another location</p> <p><i>Italics</i> = instructions to writing reviser</p>
--

Table of Contents

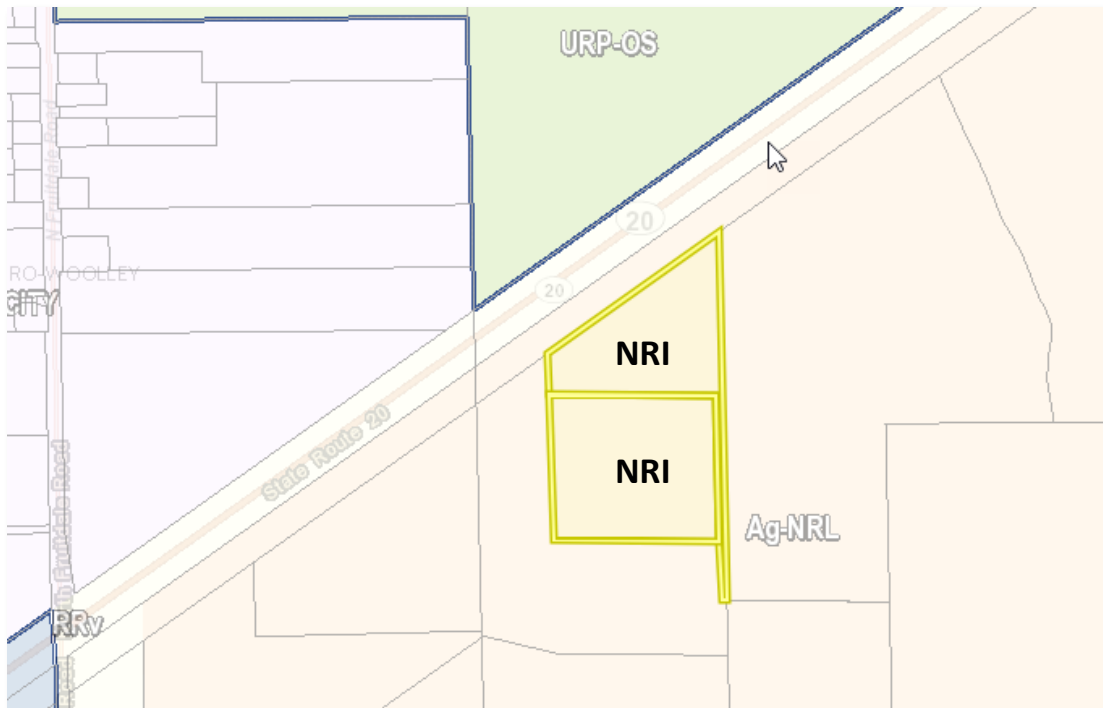
PL19-0419 Nielsen Brothers Comprehensive Plan & Zoning Map Amendment.....	2
LR20-02 Small Scale Business Zone Use Amendment.....	3
LR20-05 Public Notice Amendment for Mineral Resource Extraction Area	3
LR20-07 Accessory Dwelling Unit Code Amendment	6
LR21-02 Clarify CaRD Land Divisions and the “Reserve” Function	8
LR21-04 Agricultural Processing Facilities in BR-Light Industrial	10
C21-1 2020 Comprehensive Parks & Recreation Plan	12
C21-2 SEPA Determination Review Timing	23
C21-3 Hamilton Zoning & Comprehensive Plan Updates	24
C21-4 Reduced Front Setback to Include Class 19 Roads	34
C21-5 Pre-application Requirement	36

PL19-0419 Nielsen Brothers Comprehensive Plan & Zoning Map Amendment

Current zoning AG-NRL, parcels outlined in yellow.



Planning Commission Recommended. NRI (Natural Resource Industrial), parcels highlighted in yellow



LR20-02 Small Scale Business Zone Use Amendment

Planning Commission recommended to approve the changes as indicated below.

14.16.140 Small Scale Business (SSB).

(1) Purpose. The Small Scale Business zoning district supports existing and new small scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but that do enhance rural economic development opportunities and job opportunities for rural residents.

(3) Accessory Uses.

(a) Owner operator/caretaker quarters.

(b) [Restaurants](#)

[No further changes]

LR20-05 Public Notice Amendment for Mineral Resource Extraction Area

*Planning Commission recommended to **deny** the petition*

OPTION A:

14.06.150 Public notice requirements.

(2) Notice of Development Application Requirements.

(a) Exemption. A Notice of Development Application pursuant to this Section shall not be required for:

(i) Boundary line adjustments.

(ii) Short subdivisions.

(iii) Building permits, flood area development permits or similar construction permits that are categorically exempt from SEPA, or for which SEPA review has previously been completed in connection with other development permits.

(iv) Forest Practice Act waivers for single-family residential development where the initial critical area review and site visit concludes that no critical areas have been impacted, or do not exist.

(b) Within 14 days of issuing a letter of completeness under SCC 14.06.100, the County shall issue a Notice of Development Application for Level I, II, III and IV Applications not exempt under Subsection (2)(a) of this Section. The notice shall be dated and shall include, but not be limited to, the following information:

(i) The name of the applicant.

- (ii) The date of application.
 - (iii) The date of the letter of completeness.
 - (iv) The location of the project.
 - (v) A project description.
 - (vi) Identification of other required permits not included in the application to the extent known by the County.
 - (vii) A list of development permits included in the application and, if applicable, a list of studies requested in the letter of completeness or final decision.
 - (viii) A public comment period which shall be not less than 15 days nor greater than 30 days following the date of the Notice of Development Application, and a statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. The Notice of Development Application shall also state that failure to submit such comment or request during the comment period or at the public hearing could result in loss of right to appeal; provided, however, that there exists a 21-day comment period for administrative long plats, under SCC 14.06.110(15).
 - (ix) An identification of existing environmental documents used to evaluate the proposed application and where they can be reviewed. The Notice of Development Application may be combined with the notice of SEPA threshold determination as described in SCC 14.06.070 and SCC Chapter 16.12, State Environmental Policy Act.
 - (x) A preliminary determination, if one has been made at the time of the notice, of development regulations that will be used for the project mitigation and consistency with appropriate provisions of the Comprehensive Plan and development regulations and the adequacy of public facilities and services as described in SCC 14.06.100(6).
 - (xi) A County staff contact and phone number.
 - (xii) The date, time and place of a public hearing if one has been scheduled.
 - (xiii) A statement that the decision on the application will be made within 120 days of the date of the letter of completeness unless such time period is extended consistent with SCC 14.06.210.
- (c) The Notice of Development Application shall be issued prior to, and is not a substitute for, the required notice of a public hearing.
- (d) Notice of development application shall be made as follows:
- (i) Published in the official newspaper of the County.

- (ii) Posted with an identification sign provided by Skagit County in one or more locations on the project site that is visible from the access road giving the name and general description of the proposed project and a contact name and phone number for more information. The posted sign may be removed no earlier than 14 days after the decision on the application.
 - (iii) Mailed to all physical addresses and owners of record located within 300 feet of all subject property lines, or, if the applicant owns property adjacent to the subject property, notice shall be given to all physical addresses and all owners of real property within 300 feet of any portion of the boundaries of such adjacent properties owned by the applicant. Further provided, however, when the Administrative Official finds that a need exists, and so informs the applicant at the preapplication meeting, notice shall be given to all physical addresses and all owners of real property within 500 feet of any portion of the applicable boundaries. For marijuana facilities, notice must be provided within 1,000 feet. [For mineral extraction activities, notice must be provided within 1,000 feet of all subject property lines.](#)
 - (iv) Sent to all County departments and agencies with jurisdiction.
 - (v) For all development permit applications submitted on lands located in the URR, URC-I, URP-OS, A-UD and MV-UD zoning districts not otherwise exempt from these notice requirements, a copy of the notice of development application shall also be mailed to the city in whose UGA the proposed development is located.
- (e) The County will not issue a decision or a recommendation on a project until the expiration of the public comment period on the Notice of Development Application and expiration of the appeal period on any threshold determination.

OPTION B – Petitioners Proposal

- (iii) Mailed to all physical addresses and owners of record located within 300 feet of all subject property lines, or, if the applicant owns property adjacent to the subject property, notice shall be given to all physical addresses and all owners of real property within 300 feet of any portion of the boundaries of such adjacent properties owned by the applicant. Further provided, however, when the Administrative Official finds that a need exists, and so informs the applicant at the preapplication meeting, notice shall be given to all physical addresses and all owners of real property within 500 feet of any portion of the applicable boundaries. For marijuana facilities, notice must be provided within 1,000 feet. [For mineral extraction activities, notice must be provided within 5,280 feet of all subject property lines and be posted at any post offices or central information boards of nearby communities.](#)

OPTION C:

- (iii) Mailed to all physical addresses and owners of record located within 300 feet of all subject property lines, or, if the applicant owns property adjacent to the subject property, notice shall be given to all physical addresses and all owners of real property within 300 feet

of any portion of the boundaries of such adjacent properties owned by the applicant. Further provided, however, when the Administrative Official finds that a need exists, and so informs the applicant at the preapplication meeting, notice shall be given to all physical addresses and all owners of real property within 500 feet of any portion of the applicable boundaries. For marijuana facilities, notice must be provided within 1,000 feet. [For mineral extraction activities, notice must be provided within 1,320 feet of all subject property lines.](#)

LR20-07 Accessory Dwelling Unit Code Amendment

Planning Commission recommended to deny LR20-07, but recommended changes consistent with the amendments shown below.

PC RECOMMENDED OPTION:

14.16.710 Accessory dwelling units.

(1) Requirements for Accessory Dwelling Units. One accessory dwelling unit is permitted as accessory to an existing single-family dwelling; provided, that the following requirements are met, except as may be further restricted by the connection limitation in SCC 14.16.920, Similk Beach LAMIRD:

- (a) Owner Occupancy. Either the principal unit of the single-family dwelling or the accessory dwelling unit must be occupied by an owner of the property or an immediate family member of the property owner.
- (b) No more than 1 family shall be allowed to occupy an accessory dwelling unit.
- (c) Subdivision. Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal unit of the single-family dwelling, unless allowed by the zoning.
- (d) Size and Scale. The square footage of a newly constructed accessory dwelling unit shall be the minimum allowed by the building code and a maximum ~~of 900 square feet~~ [1,200 square feet](#), excluding any garage area. ~~;~~ ~~provided, however, the square footage of the accessory dwelling unit shall not exceed 50% of the total square footage of the principal unit of the single-family dwelling excluding the garage area as it exists or as it may be modified.~~

OPTION A:

14.16.710 Accessory dwelling units.

(1) Requirements for Accessory Dwelling Units. One accessory dwelling unit is permitted as accessory to an existing single-family dwelling; provided, that the following requirements are met, except as may be further restricted by the connection limitation in SCC 14.16.920, Similk Beach LAMIRD:

- ~~(a) Owner Occupancy. Either the principal unit of the single-family dwelling or the accessory dwelling unit must be occupied by an owner of the property or an immediate family member of the property owner.~~

- (~~ab~~) No more than 1 family shall be allowed to occupy an accessory dwelling unit.
- (~~be~~) Subdivision. Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal unit of the single-family dwelling, unless allowed by the zoning.
- (~~cd~~) Size and Scale. The square footage of a newly constructed accessory dwelling unit shall be the minimum allowed by the building code and a maximum of 900 square feet, excluding any garage area; ~~provided, however, the square footage of the accessory dwelling unit shall not exceed 50% of the total square footage of the principal unit of the single family dwelling excluding the garage area as it exists or as it may be modified.~~

OPTION B – Petitioners Proposal

14.16.710 Accessory dwelling units.

(1) Requirements for Accessory Dwelling Units. One accessory dwelling unit is permitted as accessory to an existing single-family dwelling; provided, that the following requirements are met, except as may be further restricted by the connection limitation in SCC 14.16.920, Similk Beach LAMIRD:

~~(a) Owner Occupancy. Either the principal unit of the single family dwelling or the accessory dwelling unit must be occupied by an owner of the property or an immediate family member of the property owner.~~

- (~~ab~~) No more than 1 family shall be allowed to occupy an accessory dwelling unit.
- (~~be~~) Subdivision. Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal unit of the single-family dwelling, unless allowed by the zoning.
- (~~cd~~) Size and Scale. The square footage of a newly constructed accessory dwelling unit shall be the minimum allowed by the building code and a maximum ~~of 900 square feet~~ size that does not exceed the square footage of the primary residence structure, excluding any garage area; ~~provided, however, the square footage of the accessory dwelling unit shall not exceed 50% of the total square footage of the principal unit of the single family dwelling excluding the garage area as it exists or as it may be modified.~~ An existing detached structure may be converted to an accessory dwelling unit with square footage that shall not exceed the total square footage of the principal unit of the single-family dwelling excluding the garage area as it exists or as it may be modified.

OPTION C:

14.16.710 Accessory dwelling units.

(1) Requirements for Accessory Dwelling Units. One accessory dwelling unit is permitted as accessory to an existing single-family dwelling; provided, that the following requirements are met, except as may be further restricted by the connection limitation in SCC 14.16.920, Similk Beach LAMIRD:

~~(a) — Owner Occupancy. Either the principal unit of the single-family dwelling or the accessory dwelling unit must be occupied by an owner of the property or an immediate family member of the property owner.~~

(~~a~~b) No more than 1 family shall be allowed to occupy an accessory dwelling unit.

(~~b~~e) Subdivision. Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal unit of the single-family dwelling, unless allowed by the zoning.

(~~c~~d) Size and Scale. The square footage of a newly constructed accessory dwelling unit shall be the minimum allowed by the building code and a maximum ~~of 900 square feet~~ 1200 square feet, excluding any garage area; provided, however, the square footage of the accessory dwelling unit shall not exceed 50% of the total square footage of the principal unit of the single-family dwelling excluding the garage area as it exists or as it may be modified. An existing detached structure may be converted to an accessory dwelling unit with square footage that shall not exceed the total square footage of the principal unit of the single-family dwelling excluding the garage area as it exists or as it may be modified.

LR21-02 Clarify CaRD Land Divisions and the “Reserve” Function

*Planning Commission recommended to **deny** the petition*

OPTION A:

14.18.310 General approval provisions—CaRD.

(5) (c) Open Space Urban Reserve (Os-UR). This designation is to retain areas of open space until such time that urban development is deemed appropriate for that area and then to continue to require a portion of that original space to be preserved. This open space may only be used within CaRDs on lands zoned Rural Village Residential, Rural Intermediate, or Rural Reserve, and only if these areas are located on a parcel of which 50% or greater is located within one-quarter mile of urban growth areas ~~or Rural Villages~~ excluding those areas subject to Subsections (5)(a) and (b) of this Section, and excluding Fidalgo Island until such time that a subarea plan which allows for this option has been completed in conjunction with any relevant amendments to the Comprehensive Plan for purposes of consistency. This open space designation if supported by a 20-year needs analysis may also be applied to areas located outside one-quarter mile of a UGA following the appropriate Comprehensive Plan and development regulation amendments. The requirements for Os-UR are:

(i) Future Urban Development Allowed. When land with an Os-UR designation goes into an urban growth area or a Rural Village Residential, additional development is allowed on the Os-UR designated land, ~~except within~~ a minimum of 30% of the parent parcel ~~which~~ is to remain in open space through a plat restriction unless and until the parcel is annexed into a city or town. That land which is not designated as open space in a plat restriction then becomes available for urban development pursuant to the underlying urban zoning

designation. Amendments to the plat map and recorded easements shall be required with the agreement. A revised plat map for this purpose will not be considered a plat amendment.

(ii) Open Space Urban Reserve Land Uses. All open space designated Os-UR may have the same uses as allowed in Os-RA. That Os-UR land converted to permanent open space by agreement of the owner and County may be used for any recreational use outlined in the underlying zoning or special uses relating to recreation, so long as a special permit is obtained, and for greenbelts or trails.

OPTION B:

14.18.310 General approval provisions—CaRD.

(5) (c) Open Space Urban Reserve (Os-UR). This designation is to retain areas of open space until such time that urban development is deemed appropriate for that area and then to continue to require a portion of that original space to be preserved. This open space may only be used within CaRDs on lands zoned Rural Village Residential, Rural Intermediate, or Rural Reserve, and only if these areas are located on a parcel of which 50% or greater is located within one-quarter mile of urban growth areas ~~or Rural Villages~~ excluding those areas subject to Subsections (5)(a) and (b) of this Section, and excluding Fidalgo Island until such time that a subarea plan which allows for this option has been completed in conjunction with any relevant amendments to the Comprehensive Plan for purposes of consistency. This open space designation if supported by a 20-year needs analysis may also be applied to areas located outside one-quarter mile of a UGA following the appropriate Comprehensive Plan and development regulation amendments. The requirements for Os-UR are:

(i) Future Urban Development Allowed. When land with an Os-UR designation goes into an urban growth area or a Rural Village Residential, additional development is allowed on the Os-UR designated land, except within a minimum of 30% of the parent parcel which is to remain in open space through a plat restriction unless and until the parcel is annexed into a city or town. That land which is not designated as open space in a plat restriction then becomes available for urban development pursuant to the underlying urban zoning designation. Amendments to the plat map and recorded easements shall be required with the agreement. A revised plat map for this purpose will not be considered a plat amendment.

(ii) Open Space Urban Reserve Land Uses. All open space designated Os-UR may have the same uses as allowed in Os-RA. That Os-UR land converted to permanent open space by agreement of the owner and County may be used for any recreational use outlined in the underlying zoning or special uses relating to recreation, so long as a special permit is obtained, and for greenbelts or trails.

LR21-04 Agricultural Processing Facilities in BR-Light Industrial

Planning Commission recommended to approve the changes as indicated below.

14.16.180 Bayview Ridge Light Industrial (BR-LI).

(1) Purpose. The purpose of the Bayview Ridge Light Industrial zone is to allow light manufacturing, limited commercial uses, offices associated with permitted uses identified below, wholesale, warehousing, distribution and storage, equipment storage and repair, uses requiring rail access, more direct access to SR 20 and/or access to high capacity utilities such as fiber optics, high voltage electric lines and gas lines, and other uses compatible with a light manufacturing district.

(2) Permitted Uses.

(a) The following uses are permitted only when they abut Peterson Road:

(i) Retail food markets and convenience stores, including farmers markets, with a maximum building footprint of 15,000 square feet.

(ii) Small retail businesses, including eating and drinking establishments, with a maximum building footprint of 5,000 square feet.

(iii) Vehicle fueling and charging stations, including vehicle repair garages and car washes.

(b) Agricultural and food processing, storage and transportation.

(c) Agricultural uses, on an interim basis until industrial development; provided, that residences shall not be allowed as an accessory use in conjunction with agriculture.

(d) Bulk commodity storage and rail/truck trans-shipment terminals.

(e) Cold storage facilities.

(f) Commercial uses, including offices associated with permitted uses, but excluding principally retail uses such as the sales of goods or services. Incidental retail sales of consumer goods and services are permitted as accessory uses under Subsection (3) of this Section. No large-scale retail centers such as department stores, malls, shopping centers, and other similar facilities commonly referred to as “big box” retail establishments.

(g) Construction contractors, contractors’ services, utility services (equipment and supply yards for contractors and utility providers), and building services (cleaning, maintenance, security, landscaping, etc.).

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

(i) Historic sites open to the public.

(j) *Repealed by Ord. O20140005.*

(k) Lumber yards.

- (l) Manufacture, processing, treatment, storage, blending, fabrication, development, assembly or packaging of any product from natural or synthetic materials.
 - (m) Mini-storage.
 - (n) Parks, courtyards, plazas, and public spaces.
 - (o) Printing, publishing, and broadcasting.
 - (p) Rail terminals and intermodal truck/rail storage and shipping facilities.
 - (q) Repair, sales, rental, and storage facilities for equipment, including heavy equipment, farm equipment, marine equipment, boats, airplanes, trucks, and recreational vehicles.
 - (r) Research, development and testing facilities.
 - (s) Retail and wholesale nurseries/greenhouses.
 - (t) Security services and armored car depots and services.
 - (u) Telephone and Internet call centers and server farms; web hosting facilities and other communication centers.
 - (v) Trails and primary and secondary trailheads.
 - (w) Vocational educational and training centers.
 - (x) Warehousing, distribution and storage facilities.
 - (y) Wholesale businesses with incidental retail trade permitted as accessory uses under Subsection (3) of this Section.
 - (z) Maintenance, drainage.
 - (aa) Net metering system, solar.
 - (bb) Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.
 - (cc) Recycling drop box facility.
 - (dd) Marijuana production/processing facility at least 1,000 feet from a residential zone.
 - (ee) Vehicle charging and vehicle fueling station.
 - (ff) Temporary events.
- (3) Accessory Uses. Accessory uses are intended to provide goods and services primarily to complement and support permitted, administrative, and special uses in the BR-LI zone.
- (a) Day care centers primarily serving employees and residents located in the Bayview Ridge Subarea.

- (b) Electrical generating facilities producing less than 50 megawatts of electricity and electrical substations and gasworks serving permitted, accessory, administrative, or special uses.
- (c) Incidental retail sales of products manufactured, processed, distributed, produced, or assembled on-site; provided, that the floor area allocated to retail sales of products distributed on-site shall not be greater than 10 percent of the gross floor area of the building occupied by the distribution facility and in no event shall said retail sale area be greater than 2,000 square feet of gross floor area.
- (d) Outdoor storage of materials in quantities less than 50 cubic yards that may have a potential health hazard. Does not include storage of hazardous materials.
- (e) Outdoor storage of processed and unprocessed natural materials, waste materials or other similar materials used in conjunction with a permitted, accessory or special use provided the same in quantities that total less than 500 cubic yards.
- (f) Owner operator/caretaker quarters.
- (g) Recreational facilities primarily serving facilities and employees located in the Bayview Ridge Subarea.
- (h) Agricultural slaughtering facilities, provided that the portion of the premise dedicated to slaughtering is (1) entirely enclosed within the interior of the facility, and (2) occupies less than 5,000 square feet of the total processing facility.

C21-1 2020 Comprehensive Parks & Recreation Plan

Planning Commission recommended to approve the changes consistent with Option A.

Comprehensive Plan Amendments Option A

Relationship to Other Plans

Skagit County Parks and Recreation Plan

~~In 2013~~ 2022 Skagit County adopted ~~an updated~~ the 2020 Parks and Recreation Plan. ~~It was based on a public outreach program of surveys and meetings.~~ In 2011, 353 online survey responses revealed a strong interest in trails:

*Nearly all (93%) of the respondents reported their household had used a park facility in the past 12 months. The most popular activities respondents reported household members spending time on were trails in natural areas, trails near where people lived, access to shorelines, and visiting wetlands / viewing wildlife.****

When asked what the top four priorities are, respondents reported that trails were the top priority in terms of the uses ... "wilderness trails-non motorized" (1st), followed by "trails near where I live" (2nd), Preservation of natural open space (3rd), and "Shoreline Access" (4th).

When respondents were asked to rank the most needed facilities, trails, open space and shoreline access were the top priorities”

Development Regulations Option A

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 and provide residential and limited employment and service opportunities for rural residents. They establish long-term open spaces and critical area protection using CaRDs as the preferred residential development pattern.

(2) Permitted Uses.

- (a) Agriculture.
- (b) Agricultural accessory uses.
- (c) Agricultural processing facilities.
- (d) Co-housing, as part of a CaRD, subject to SCC 14.18.300 through 14.18.330.
- (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) Habitat enhancement and/or restoration projects, except mitigation banks as defined by SCC 14.04.020.
- (i) Home-Based Business 1.
- (j) Residential accessory uses.
- (k) Seasonal roadside stands under 300 square feet.
- (l) Maintenance, drainage.
- (m) Net metering system, solar.
- (n) Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.
- (o) Recycling drop box facility, accessory to a permitted public, institutional, commercial or industrial use.

(3) Administrative Special Uses.

- (a) Bed and breakfast, subject to SCC 14.16.900(2)(c).

(b) Campground, destination, pre-existing 30 acres or less. Existing, permitted campgrounds with 30 total parcel acres or less that met the definition of “Campground, destination,” as of May 17, 2009, shall be eligible for modifications to existing special use permit(s) provided:

- (i) The total number of camp sites does not increase from what existed on May 17, 2009;
- (ii) The footprint of the campground does not increase from what existed on May 17, 2009;
and
- (iii) The original permit conditions regarding perimeter buffers are met.

All amenities listed for “Campgrounds, developed” shall be allowed through the permit modification process. New amenities associated with the definition of “Campground, destination” shall not be allowed. Additional minor improvements to the existing campground may also be allowed at the discretion of the Administrative Official, provided the improvements do not constitute expansion or intensification or result in adverse impacts to the surrounding area.

- (c) Campground, primitive.
- (d) Expansion of existing major public uses up to 3,000 square feet.
- (e) Home-Based Business 2.
- (f) Kennel, day-use.
- (g) Minor public uses.
- (h) Minor utility developments.
- (i) Outdoor storage of processed and unprocessed natural materials in quantities less than 500 cubic yards that do not have a potential health hazard.
- (j) Outdoor storage of processed and unprocessed natural materials in quantities less than 50 cubic yards that may have a potential health hazard. Does not include storage of hazardous materials.
- (k) Parks, specialized recreational facility.
- [\(l\) Parks, regional](#)
- [\(m\) Parks, recreation open space](#)
- [\(n\)](#) Temporary manufactured home.
- [\(om\)](#) Temporary events.
- [\(pn\)](#) Trails and primary and secondary trailheads.

14.16.310 Rural Village Residential (RVR).

(1) Purpose. The purpose of the Rural Village Residential district is to preserve the residential character of those portions of Rural Villages designated for residential use, while allowing for limited

nonresidential uses appropriate to the village through the special use permit process. Allowed densities within this district are based on the availability of public water and on environmental considerations.

(2) Permitted Uses.

- (a) Co-housing as part of CaRD, subject to SCC 14.18.300 through 14.18.330.
- (b) Detached single-family dwelling units.
- (c) Family day care provider.
- (d) Habitat enhancement and/or restoration projects, except mitigation banks as defined by SCC 14.04.020.
- (e) Home-Based Business 1.
- (f) Residential accessory uses.
- (g) Seasonal roadside stands under 300 square feet.
- (h) Maintenance, drainage.
- (i) Net metering system, solar.
- (j) Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.
- (k) Recycling drop box facility, accessory to a permitted public, institutional, commercial or industrial use.

(3) Administrative Special Uses.

- (a) Bed and breakfast, subject to SCC 14.16.900(2)(c).
- (b) Home-Based Business 2.
- (c) Minor utility developments.
- (d) Parks, specialized recreation facilities.
- [\(e\) Parks, regional](#)
- ~~(f)~~ Temporary manufactured home.
- ~~(g)~~ Temporary events.
- ~~(h)~~ Trails and primary and secondary trailheads.
- ~~(i)~~ Expansion of existing major public uses up to 3,000 square feet.
- ~~(j)~~ Minor public uses.

14.16.370 Urban Reserve Residential (URR).

(1) Purpose. The purpose of the Urban Reserve Residential district is to allow for the residential use of land in certain unincorporated UGAs at lower than urban densities and without requiring the provision of urban services and/or utilities. It is also intended to reserve the remainder of the land for more intensive urban residential development in the future. More intensive development than that allowed under the Urban Reserve Residential district requires annexation to the appropriate jurisdiction or requires approval of an urban reserve development permit pursuant to SCC 14.16.910.

(2) Permitted Uses.

- (a) Detached single-family dwelling unit, consistent with the requirement of SCC 14.16.850(2).
- (b) Habitat enhancement and/or restoration projects, except mitigation banks as defined by SCC 14.04.020.
- (c) Home-Based Business 1.
- (d) Family day care provider.
- (e) Residential accessory uses.
- (f) Maintenance, drainage.
- (g) Net metering system, solar.
- (h) Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.

(3) Administrative Special Uses.

- (a) Bed and breakfast, subject to SCC 14.16.900(2)(c).
- (b) Expansion of existing major public facilities less than 3,000 square feet.
- (c) Home-Based Business 2.
- (d) Minor public use.
- (e) Minor utility development.
- (f) Seasonal roadside stands under 300 square feet.
- (g) Temporary manufactured home.
- (h) Temporary events.
- (i) Trails and primary and secondary trailheads.

(4) Hearing Examiner Special Uses.

- (a) Active recreational facilities.
- (b) Adult group care facility.
- (c) Cemetery.

- (d) Church.
- (e) Community club/grange hall.
- (f) Display gardens.
- (g) Expansion of existing major public facilities greater than 3,000 square feet.
- (h) Group care facility.
- (i) Historic sites open to the public.
- (j) Home-Based Business 3.
- (k) Kennels.
 - (i) Day-use kennel.
 - (ii) Limited kennel.
- (l) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
- (m) Mobile or manufactured home park.
- (n) Parks, community.
- (o) Parks, specialized recreational facilities.
- [\(p\) Parks, regional](#)
- ~~(q)~~ Personal wireless services towers, subject to SCC 14.16.720.
- ~~(r)~~ Pre-schools.
- ~~(s)~~ Race track, indoor.
- ~~(t)~~ Retail and wholesale nurseries/greenhouses.
- ~~(u)~~ Seasonal roadside stands over 300 square feet.

14.16.410 Industrial Forest—Natural Resource Lands (IF-NRL).

- (1) Purpose. The purpose of the Industrial Forest—Natural Resource Lands district is to ensure that forest lands of long-term commercial significance are conserved and managed to provide sustainable forest yields, job stability, ecological values and the continuation of a viable commercial forest industry in Skagit County. Conservation of forest resources must be assured through measures designed to prevent incompatible development on or adjacent to resource lands. Forest activities shall not constitute a nuisance if conducted in accordance with the State Forest Practice Rules and Regulations, WAC Title 222.
- (2) Applicability. Applies to all land zoned Industrial Forest and to all fee simple ownerships within National Forests.
- (3) Permitted Uses.

- (a) Co-housing, as part of CaRD, subject to SCC 14.18.300 through 14.18.330.
- (b) Cultivation and harvest of forest products or any forest crop, in accordance with the Forest Practices Act and any regulations adopted pursuant thereto.
- (c) Single-family residential dwellings, together with the usual accessory buildings and uses only when all of the following criteria are met:
 - (i) The residence is located within 200 feet of an existing County road or State highway;
 - (ii) The residence is located within the existing, as of July 26, 2005, boundaries of a fire district;
 - (iii) The residence is an accessory use to timber resource management activities;
 - (iv) Ingress and egress for fire vehicles meets the standards of the International Fire Code Section 503, as amended;
 - (v) There is a 200-foot slash abatement maintained around the exterior portion of the dwelling;
 - (vi) There is a safety zone cleared of flammable vegetation 30 feet from any portion of the exterior of any structure on level ground and 100 feet downhill on sloped ground;
 - (vii) The dwelling or any accessory structure is constructed of a noncombustible roofing material; and
 - (viii) There is availability of 300 gallons of water on-site, 400 feet of one-inch fire hose with nozzle, and an internal combustion engine powered pump.
- (d) Extraction of gravel and rock for the purpose of forest road construction and/or maintenance, and the operation of rock crushers, provided the material and equipment is used within the Industrial Forest or Secondary Forest—Natural Resource Lands zones, or on same forest owners' property.
- (e) Habitat enhancement and/or restoration projects, except mitigation banks as defined by SCC 14.04.020.
- (f) Historic sites open to the public that do not interfere with the management of the forest land.
- (g) Water diversion structures and impoundments related to resource management and on-site wetland restoration/enhancement projects.
- (h) Home-Based Business 1.
- (i) Management and propagation of fish and wildlife.
- (j) Nonresidential structures which are accessory to forest management activities (i.e., temporary watchman quarters, equipment shop or storage structures).

- (k) Operations of scaling stations, log dumps, sorting and storage areas, forest industry residue dumping areas; provided, that any such use within 1,000 feet of any residential use district, park or recreation area shall be temporary and less than 12 months in duration.
 - (l) Operation of sawmills, chippers, shake and shingle mills, forest industry equipment maintenance buildings and storage yards; provided, that such uses are temporary and are located on the property for no longer than 12 months' duration.
 - (m) Primitive campgrounds as long as there is no permanent conversion of forest land and the campground does not interfere with resource management.
 - (n) Storage of explosives for resource management use per adopted IBC and IFC, when located at least 300 feet from property boundary or public road right-of-way.
 - (o) Temporary use of recreational vehicles only where it is in conjunction with an active forest practice application. Temporary use of recreational vehicles is only allowed under this Subsection where such recreational vehicle is used as temporary living quarters for trail crews, fire crews, nursery crews, logging crews, maintenance crews or watchman, and where such use occurs for less than six months per year.
 - (p) Maintenance, drainage.
 - (q) Net metering system, solar.
 - (r) Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.
 - (s) Nonmotorized trails.
- (4) Administrative Special Uses.
- (a) Expansion of existing major or minor utility or public uses; provided, that the expansion is designed to minimize the amount of resource lands utilized and meets item (i) or (ii) as well as item (iii) of the following requirements:
 - (i) It is located within the existing building envelope which may include the required landscaping of the existing use;
 - (ii) It will be sited on existing impervious surface or within 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.
 - (b) Home-Based Business 2, provided no conversion of resource land is required to accommodate the business activity.
 - (c) 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.

- (d) Minor utility developments.
- (e) Personal wireless service towers, subject to SCC 14.16.720.
- (f) Temporary events related to the resource use as long as no permanent structures are constructed.
- (g) Trails (except nonmotorized trails) and primary and secondary trailheads
- (h) [Parks, regional](#)

14.16.420 Secondary Forest—Natural Resource Lands (SF-NRL).

(1) Purpose. The purpose of the Secondary Forest—Natural Resource Lands (SF-NRL) district is to provide a transitional area between the Industrial Forest—Natural Resource Lands zone and Rural zoned lands designated primarily for residential use and other nonforestry uses. The SF-NRL zone also provides a zoning district where smaller scale timber and other resource management activities can occur while providing protection from encroachment of residential activity that may encumber standard forest practices.

(2) Permitted Uses.

- (a) Accessory residential structures.
- (b) Campground, primitive; provided, that there is no permanent conversion of resource land and the campground does not interfere with resource management.
- (c) Co-housing as part of a CaRD, subject to SCC 14.18.300 through 14.18.330.
- (d) Cultivation and harvest of forest products or any forest crop, in accordance with the Forest Practices Act and any regulations adopted pursuant thereto.
- (e) Detached single-family residential dwellings.
- (f) Extraction of gravel and rock for the purpose of forest road construction and/or maintenance, and the operation of rock crushers, provided the material and equipment is used within the Industrial Forest or Secondary Forest—Natural Resource Lands Zone, or on same forest owners' property.
- (g) Family day care provider.
- (h) Habitat enhancement and/or restoration projects, except mitigation banks as defined by SCC 14.04.020.
- (i) Historic sites open to the public that do not interfere with management of the forest land.
- (j) Home-Based Business 1.
- (k) Management and propagation of fish and wildlife.

- (l) Nonresidential structures which are accessory to forest management activities (i.e., temporary watchman quarters, equipment shop or storage structures).
 - (m) Operations of scaling stations, log dumps, sorting and storage areas, forest industry residue dumping areas; provided, any such use within 1,000 feet of any residential use district, park or recreation area shall be temporary and less than 12 months in duration.
 - (n) Operation of sawmills, chippers, shake and shingle mills, forest industry equipment maintenance buildings and storage yards; provided, that such uses are temporary and are located on the property for no longer than 12 months' duration.
 - (o) Storage of explosives for resource management use per adopted IBC and IFC, when located at least 300 feet from property boundary or public road right-of-way.
 - (p) Water diversion structures and impoundments related to resource management and (on-site) wetland restoration/enhancement projects.
 - (q) Temporary use of recreational vehicles only where it is in conjunction with an active forest practice application. Temporary use of recreational vehicles is only allowed under this Subsection where such recreational vehicle is used as temporary living quarters for trail crews, fire crews, nursery crews, logging crews, maintenance crews or watchman, and where such use occurs for less than six months per year.
 - (r) Maintenance, drainage.
 - (s) Net metering system, solar.
 - (t) Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.
- (3) Administrative Special Uses.
- (a) Animal clinic/hospital if accessory to the existing resource base and no new structures are required.
 - (b) Expansion of existing major or minor utility or public uses; provided, that the expansion is designed to minimize the amount of resource lands utilized and meets item (i) or (ii) as well as item (iii) of the following requirements:
 - (i) It is located within the existing building envelope which may include the required landscaping of the existing use;
 - (ii) It will be sited on existing impervious surface or within existing right-of-way;
 - (iii) The applicant has proven that there is no other viable alternative to providing the expansion on non-natural resource lands.
 - (c) Home-Based Business 2, provided no conversion of resource land is required to accommodate the business activity.

- (d) Minor public uses related to the provision of emergency services where there is no other viable parcel or non-resource designated land to serve the affected area. Applicants shall demonstrate the need to locate the use in the natural resource land. Analysis of alternatives to the development of the use within the natural resource land must be provided.
- (e) Minor utility developments.
- (f) Personal wireless services towers, subject to SCC 14.16.720.
- (g) Retail and wholesale nurseries/greenhouses, provided there is no permanent conversion of resource land required.
- (h) Seasonal roadside stands greater than 300 square feet.
- (i) Temporary events related to resource management, provided no permanent structures are constructed.
- (j) Temporary manufactured home.
- (k) Trails and primary and secondary trailheads.
- [\(l\) Parks, Recreation Open Space](#)

Option B

SCC 14.04.020 Definitions

Public uses: government or quasi-government owned and operated facilities which are not utilities, including, but not limited to, primary and secondary schools, libraries, postal services, offices, training facilities, fire and police stations, [parks](#), and courts.

Comprehensive Plan

Page 27

Public Uses generally are government or quasi-government owned and operated facilities including primary and secondary schools, libraries, postal services, offices, training facilities, fire and police stations, [parks](#), and courts. Public Uses do not necessarily include Essential Public Facilities as provided for in Chapter 10 of this Comprehensive Plan.

Page 54

Public Uses

Public Uses, generally, are government or quasi-government owned and operated facilities such as primary and secondary schools, libraries, postal services, offices, training facilities, fire and police stations, [parks](#), and courts. Public Uses under this section do not necessarily include Essential Public Facilities.

Goal 2E Allow public uses as special uses in most comprehensive land use designations, to be reviewed on a site-specific basis.

policy 2E-1.1 In most comprehensive plan land use designations, public uses are to be allowed as either administrative or hearing examiner special uses. They are reviewed as site-specific projects so that public benefits and land use impacts can be analyzed and, if necessary, mitigated.

(a) Public uses on Natural Resource Lands are limited to those providing emergency services.

C21-2 SEPA Determination Review Timing

*Planning Commission recommended to **deny** the petition*

14.06.070 Integration of SEPA review with development permit review.

(1) Developments and planned actions subject to the provisions of the State Environmental Policy Act (SEPA) shall be reviewed in accordance with the policies and procedures contained in SCC Chapter 16.12, State Environmental Policy Act, and WAC Chapter 197-11.

(2) SEPA and the review of development permit applications shall be combined and integrated in all development permits that are not categorically exempt from SEPA or for which environmental review has not already been completed in the following manner:

(a) SEPA review, if required, should be analyzed in 1 development permit review process that includes land use, environmental, public and governmental review as established by this Chapter. If applicable development regulations already require studies that adequately analyze a project's specific probable adverse impacts, then additional or redundant studies shall not be required under SEPA.

(b) Documents or studies prepared in the development permit review process under the requirements of SEPA or specific development regulations shall be prepared so that they can be reviewed by the public, the County and other agencies during the applicable comment periods.

(c) A SEPA threshold determination and/or a scoping notice may be issued with a Notice of Development Application; provided, that a final threshold determination of nonsignificance may not be issued until after the expiration of the public comment period on the notice of application unless the requirements of the optional DNS process (WAC 197-11-355 and SCC 16.12.070) are followed. A final determination of significance and a SEPA scoping notice may be issued with the Notice of Development Application and prior to the expiration of the public comment period on the Notice of Development Application.

(d) Any appeal of a ~~determination of significance~~ [final environmental threshold determination](#) as described in SCC 16.12.210 may proceed in advance of any hearings or appeals of the underlying development permit, [unless one is in for concurrent review](#).

~~Any appeals of a determination of nonsignificance shall be combined with and processed at the same time as the hearings or appeals of the underlying development permit.~~

- (3) SEPA review of proposals located wholly or partially within critical areas is discussed at SCC 16.12.260. The interplay between the critical areas review and regulation under SEPA is discussed at SCC 14.24.060. (Ord. 17938 Attch. F (part), 2000)

C21-3 Hamilton Zoning & Comprehensive Plan Updates

Planning Commission recommended to approve the changes indicated below.

~~14.16.175 Hamilton Industrial (H-I).~~

~~(1) Purpose. To allow natural resource related industrial uses that are commonly accepted in the rural area and that facilitate the production of products from agricultural, forest, and aquatic natural resources. This zone is intended to allow such uses in the unincorporated portion of the Hamilton Urban Growth Area until these lands are annexed to the town and full urban services are provided. This zoning designation allows natural resource related processing facilities, limited direct resource sales and limited natural resource support services that support local natural resource activities and which will not preclude the transition to urban industrial development in the future.~~

~~(2) Permitted Uses.~~

~~(a) Uses related to agriculture including, but not limited to:~~

- ~~(i) Agricultural support services.~~
- ~~(ii) Agricultural processing facilities.~~
- ~~(iii) Agricultural slaughtering facilities.~~
- ~~(iv) Animal clinic/hospital.~~
- ~~(v) Commercial composting.~~
- ~~(vi) Fabrication of farm related items.~~
- ~~(vii) Fertilizer manufacturing.~~
- ~~(viii) Irrigation systems sales, repair and storage.~~
- ~~(ix) Livestock auction facility.~~
- ~~(x) Stockyards less than 40 acres.~~
- ~~(xi) Storage and distribution of animal feeds, fertilizers, pesticides and seed.~~
- ~~(xii) Wholesale nurseries/greenhouses.~~

~~(b) Uses related to forestry including, but not limited to:~~

- ~~(i) Fabrication of forestry related items;~~

- ~~(ii) Forest industry storage and maintenance facility;~~
 - ~~(iii) Forestry support services;~~
 - ~~(iv) Log scaling station;~~
 - ~~(v) Manufacturing wood containers and products;~~
 - ~~(vi) Operation of sawmills, chippers, shake and shingle mills, scaling stations, log dumps and sorting areas, forest industry equipment maintenance, buildings and storage yards, and forest industry residue dumping areas;~~
 - ~~(vii) Prefabricated wood building and components; and~~
 - ~~(viii) Wood waste recycling~~
- ~~(c) Uses related to aquatic resources including, but not limited to, the following:~~
- ~~(i) Fabrication, maintenance, and repair of equipment, vessels, and structures associated with aquatic natural resource industries;~~
 - ~~(ii) Management and propagation of fish and wildlife;~~
 - ~~(iii) Seafood processing and accessory on-site sales;~~
 - ~~(iv) Shellfish processing and accessory on-site sales;~~
 - ~~(v) Treatment and bottling of water for commercial sales; and~~
 - ~~(vi) Upland fish farm.~~
- ~~(d) Habitat enhancement and/or restoration projects, except mitigation banks as defined by SCC 14.04.020.~~
- ~~(e) Historic sites open to the public.~~
- ~~(f) Minor public uses.~~
- ~~(g) Maintenance, drainage.~~
- ~~(h) Net metering system, solar.~~
- ~~(i) Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.~~
- ~~(j) Recycling drop box facility.~~
- ~~(k) Vehicle charging station.~~
- ~~(3) Accessory Uses. The following uses are an accessory use to a permitted or special use. All accessory uses may only be used to serve the on-site primary permitted natural resource industrial use:~~
- ~~(a) Explosives storage for use on NRL lands;~~
 - ~~(b) Industrial vehicle storage facility for vehicles which only serve natural resource industries;~~

- ~~(c) — Metal working shop for the maintenance and repair of equipment used by the primary permitted natural resource industrial use;~~
- ~~(d) — Outdoor storage of materials in quantities equal to or less than 50 cubic yards that may have a potential health hazard (for example, animal carcasses). Does not include storage of hazardous materials;~~
- ~~(e) — Outdoor storage of processed and unprocessed natural materials in quantities equal to or less than 500 cubic yards that do not have a potential health hazard;~~
- ~~(f) — On site hazardous waste storage and treatment facilities as an accessory use to a permitted or special use;~~
- ~~(g) — Offices in conjunction with the permitted use;~~
- ~~(h) — Owner operator/caretaker quarters;~~
- ~~(i) — Retail sales of finished timber products; and~~
- ~~(j) — Retail nurseries/greenhouses.~~

~~(4) — Administrative Special Uses.~~

- ~~(a) — Expansion of existing major public uses up to 3,000 square feet.~~
- ~~(b) — Minor utility developments.~~
- ~~(c) — Outdoor storage of materials in quantities greater than 50 cubic yards that may have a potential health hazard (for example, animal carcasses). Does not include storage of hazardous materials.~~
- ~~(d) — Outdoor storage of processed and unprocessed natural materials in quantities greater than 500 cubic yards that do not have a potential health hazard.~~
- ~~(e) — Personal wireless services towers, subject to SCC 14.16.720.~~
- ~~(f) — Storage of unlicensed/inoperable vehicles.~~
- ~~(g) — Temporary events.~~
- ~~(h) — Trails and primary and secondary trailheads.~~
- ~~(i) — Anaerobic digester.~~
- ~~(j) — Marijuana production/processing facility.~~

~~(5) — Hearing Examiner Special Uses.~~

- ~~(a) — Billboards.~~
- ~~(b) — Major public uses and expansions of existing major public uses, 3,000 square feet and greater.~~
- ~~(c) — Major utility developments.~~

~~(d) Permanent or temporary asphalt or concrete batching and recycling.~~

~~(e) Petroleum products and gas storage bulk.~~

~~(f) Stockyards greater than 40 acres.~~

~~(6) Dimensional Standards.~~

~~(a) Front, side and rear setbacks: 50 feet.~~

~~(i) Special Setbacks. Explosive storage, on-site hazardous waste storage and treatment facilities, and petroleum products and gas bulk storage shall be set back a minimum of 300 feet from the property boundary, and edges of existing and planned public rights of way.~~

~~(ii) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).~~

~~(b) Maximum Size Limits. The maximum gross floor area for all buildings, except greenhouses, in an H-I District is 15% of total lot area. Maximum gross floor area for greenhouses shall be 70%, so long as all other requirements of the Skagit County Code are met.~~

~~(c) Maximum height: 50 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.~~

~~(7) Special Provisions.~~

~~(a) All sides of a proposed H-I use shall comply with the following:~~

~~(i) All structures and outside activities shall be so located or screened from adjacent properties to avoid disturbance through glare, shading, noise, dirt or other nuisances or hazards;~~

~~(ii) No petroleum pumps or aboveground petroleum storage shall be closer than 30 feet from any street right of way; and~~

~~(iii) All development proposals within the Hamilton Industrial district shall include a plan, which shall be reviewed by and acceptable to Planning and Development Services. This plan shall diagram and explain how open areas shall be maintained during and after construction to avoid sewage, drainage and dust nuisances to adjacent properties, uses, and critical areas. The plan shall also demonstrate how existing easement rights or other property ownership interests in the property are protected.~~

~~(b) All open portions of any lot shall have adequate grading and drainage consistent with the requirements of Chapter 14.32 SCC.~~

~~(c) Impacts of the use on the off-site road system shall be mitigated, particularly with regard to the impacts of trucks on substandard roads between the site and the arterial system.~~

~~(8) Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and the rest of the Skagit County Code. (Ord. O20200005 § 1 (Att. 2); Ord. O20170006 § 1 (Att. 1); Ord. O20160004 § 6 (Att. 6); Ord. O201500005 § 3 (Att. 1); Ord. O20110007 Attech. 1 (part); Ord. O20090010 Attech. 1 (part); Ord. O20080012 (part); Ord. O20080010 (part))~~

~~14.16.380 Hamilton Residential (HR).~~

~~(1) Purpose. The purpose of this district is to protect land in the unincorporated portion of the Hamilton Urban Growth Area from premature land division and development that would preclude efficient transition to urban development and impede fulfillment of the goals contained in the Hamilton Comprehensive Plan and 2007 Comprehensive Subarea Plan. These lands are identified as future additions to the town of Hamilton which will be added to the town through annexation as needed for urban development.~~

~~(2) Permitted Uses:~~

~~(a) Agriculture.~~

~~(b) Agricultural accessory uses.~~

~~(c) Aquaculture.~~

~~(d) Campground, primitive, as long as there is no conversion of resource land and the campground does not interfere with resource management.~~

~~(e) Cultivation and harvest of forest products or any forest crop in accordance with the Forest Practices Act and any regulations adopted pursuant thereto.~~

~~(f) Detached single family residential dwelling and residential accessory uses.~~

~~(g) Family day care provider.~~

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

~~(j) Historic sites open to the public that do not interfere with the management of forest land.~~

~~(k) Home Based Business 1.~~

~~(l) Seasonal roadside stands not exceeding 300 square feet.~~

~~(m) Maintenance, drainage.~~

~~(n) Net metering system, solar.~~

~~(o) Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.~~

~~(p) — Recycling drop box facility, accessory to a permitted public, institutional, commercial or industrial use.~~

~~(3) — Administrative Special Uses:~~

~~(a) — Bed and breakfast, subject to SCC 14.16.900(2)(c), provided no new structures are constructed or expanded in building footprint outside of the home for lodging purposes.~~

~~(b) — Co-housing as part of CaRD, subject to SCC 14.18.300 through 14.18.330.~~

~~(c) — Expansion of existing minor utility or public uses; provided, that the expansion is designed to minimize the amount of land utilized and meets item (i) or (ii) as well as item (iii) of the following requirements:~~

~~(i) — It is located within the existing building envelope which may include the required landscaping of the existing use;~~

~~(ii) — It will be sited on existing impervious surface or within existing right-of-way;~~

~~(iii) — The applicant has proven that there is no other viable alternative to providing the expansion in the Hamilton Urban Reserve zone.~~

~~(d) — Home Based Business 2.~~

~~(e) — Minor public uses related to the provision of emergency services where there is no other viable parcel to serve the affected area. Applicants shall demonstrate the need to locate the use in the Hamilton Urban Reserve zone, and provide analysis of alternatives to the development of the use within the zone.~~

~~(f) — Minor utility developments.~~

~~(g) — Riding clubs and stables if accessory to the existing resource use and no new structures are constructed.~~

~~(h) — Temporary events, provided no permanent structures are constructed.~~

~~(i) — Temporary manufactured home.~~

~~(j) — Trails and primary and secondary trailheads.~~

~~(4) — Dimensional Standards:~~

~~(a) — Setbacks, Primary Structures:~~

~~(i) — Front: 50 feet.~~

~~(ii) — Side: 50 feet.~~

~~(iii) — Rear: 50 feet.~~

~~(b) — Setbacks, Accessory Structures:~~

~~(i) — Front: 50 feet.~~

~~(ii) Side: 50 feet.~~

~~(iii) Rear: 50 feet.~~

~~(c) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).~~

~~(d) 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.~~

~~(e) Minimum lot size: 1/16th of a section of land or 40 acres. Smaller lot sizes may be allowed through a CaRD or as provided for through SCC 14.16.860, provided the design accommodates future urban development.~~

~~(f) Minimum lot width: 400 feet.~~

~~(g) Maximum lot coverage: 10,000 square feet or 10% of the lot area, whichever is greater.~~

~~(5) 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. O20200005 § 1 (Att. 2); Ord. O20170006 § 1 (Att. 1); Ord. O20160004 § 6 (Att. 6); Ord. O20110007 Attech. 1 (part); Ord. O20090010 Attech. 1 (part); Ord. O20080012 (part); Ord. O20080010 (part))~~

14.16.720 Personal wireless services facilities.

(12) General Requirements. The following general requirements shall apply to tower and antenna construction:

(a) New Uses. All new applications for antennas and towers filed after the adoption of the ordinance codified in this Chapter shall comply with this Section.

(b) Existing Uses. All towers and antennas existing on the date of passage of the ordinance codified in this Section shall be allowed to continue as they presently exist. Routine maintenance shall be permitted on existing towers and antennas.

However, new construction other than routine maintenance on existing towers, antennas, buildings or other facilities shall comply with the provisions set forth in this Section.

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

(i) Building permits shall be required for collocation or expansion projects on existing towers located within any zoning district. For the purposes of this Subsection only, a building permit does not trigger a development permit application for a shoreline substantial development permit under SCC Chapter 14.26 when the application is to collocate on an existing antenna support structure. Eligible collocation and modification requests are permitted as of right and do not require a special use permit.

(ii) Building permits and administrative special use permits shall be required for projects (excluding eligible collocation and modification requests) located within the Bayview Ridge Light Industrial (BR-LI), Bayview Ridge Heavy Industrial (BR-HI), Natural Resources Industrial (NRI), Rural Marine Industrial (RMI), Rural Freeway Services (RFS), Urban Reserve Commercial-Industrial (URC-I), ~~Hamilton Industrial (HI)~~, Rural Village Commercial (RVC), Rural Center (RC), Rural Business (RB), Agricultural (Ag-NRL), Secondary Forest (SF-NRL), Rural Resource (RRc-NRL), Industrial Forest-Natural Resource Lands (IF-NRL), Urban Reserve Public Open Space (URP-OS), Public Open Space of Regional/State Importance (OSRSI), and the Master Planned Resort (MPR) zones and on projects located within the priority locations of Subsections (10)(c), (d), (e) and (f) of this Section.

(iii) Building permits and Hearing Examiner special use permits shall be required for projects (excluding eligible collocation and modification requests) located within the Aviation Related (AVR), Rural Intermediate (RI), Rural Village Residential (RVR), Urban Reserve Residential (URR), Hamilton Urban Reserve (H-URv), Rural Reserve (RRv), Small Scale Business (SSB), and Small Scale Recreation and Tourism (SRT) zoning districts and for priority locations of Subsections (10)(g) and (h) of this Section.

(d) Inspection Required. Each year after a personal wireless service facility becomes operational, the facility operator shall conduct a safety inspection and file a report with the County within 60 days of the inspection. This requirement shall be a condition of any permit.

(e) Noise Regulations. Noise from air conditioners or other equipment associated with personal wireless service facilities and appurtenant structures shall not exceed 45 dBA “EDNA” (WAC Chapter 173-60, Maximum Environmental Noise Levels) at the adjacent residential property line, except for emergency situations requiring the use of a backup generator where the noise standards may be exceeded on a temporary basis.

(f) Federal Requirements. All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the Federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the personal wireless services providers governed by this Section shall bring such towers and antennas into compliance within the timelines provided by the revised standards and regulations. The revised standards and regulations are not retroactively applicable to existing providers unless otherwise provided or permitted by Federal law. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the County to remove the provider’s facilities at the provider’s expense.

(g) No banners or similar materials may be attached to the tower, antenna support structure or antenna.

14.18.300 Conservation and Reserve Developments (CaRDs) – An alternative division of land

(2) Applicability.

(a) A CaRD is an overlay permit, which must be accompanied by a land division permit (either a subdivision or a binding site plan developed as a condominium).

(b) CaRD approvals allow variations in the underlying zoning regulations but are not intended as and do not constitute rezoning. Where land proposed to be part of a CaRD includes two or more zoning designations, development rights may not be moved from a higher density zone to a lower density zone.

(c) CaRDs are permitted in the following zones:

(i) Agriculture (on parcels 80 acres or 1/8 section, or greater);

(ii) Industrial Forest (on parcels 160 acres or 1/4 section, or greater);

(iii) Secondary Forest (on parcels 40 acres or 1/16 section, or greater);

(iv) Rural Resource (on parcels 20 acres or 1/32 section, or greater, with 1 lot allowed for each additional 10 acres or 1/64 section);

(v) Rural Reserve (on parcels 10 acres or 1/64 section, or greater, with 1 lot allowed for each additional 5 acres or 1/128 section);

(vi) Rural Intermediate (on parcels 5 acres or 1/128 section, or greater); and

(vii) Rural Village Residential (on parcels 2 acres or 1/320 section with public water and septic or on parcels 5 acres or 1/128 section with private water and septic, or greater);

(viii) *Repealed by Ord. O20140005.*

(ix) ~~Hamilton Residential (on parcels 20 acres or 1/32 section, or greater, with 1 lot allowed for each additional 10 acres or 1/64 section);~~

~~(x)~~ Hamilton Urban Reserve (on parcels 20 acres or 1/32 section, or greater, with 1 lot allowed for each additional 10 acres or 1/64 section).

14.18.310 General approval provisions—CaRD.

(2) Allowable Density. The maximum residential gross densities shall not exceed those set forth in the following lot size table. The maximum density as allowed for by the Comprehensive Plan may not necessarily be granted if a density limitation is necessary to meet septic and/or water system requirements. There shall be no density bonus for CaRD developments in areas designated as a “sole source aquifer,” except where the source of water is from a public water system whose source is outside the designated area or from an approved alternative water system pursuant to Chapter 12.48 SCC. Applications for such systems are processed pursuant to the regulations outlined in Chapter 12.48 SCC. Applications for CaRDs requesting an alternative system to obtain a density bonus shall be processed as a

Level II application. Hearing Examiner criteria for review of an alternative system shall ensure that the system has no adverse impacts to the sole source aquifer. For CaRD density bonus developments in flow-sensitive basins refer to SCC 14.24.350.

<u>Zone</u>	<u>Maximum Residential Densities with a CaRD*</u>	<u>Open Space Options</u>
Rural Intermediate	1/2.5 acres or 1 per 1/256 of a section	All, where appropriate
<u>Rural Village Residential</u>	1/1 acre or 1 per 1/640 of a section with public water and septic or 1/2.5 acres or 1/256 of a section with private water and septic	All, where appropriate
Rural Reserve	2/10 acres or 2 per 1/64 of a section	All, where appropriate
<u>Agricultural—Natural Resource Lands</u>	1/40 acres or 1 per 1/16 of a section	Os-PA, Os-NRL Os-RSV (per Subsection (6))
<u>Industrial—Natural Resource Lands</u>	1/80 acres or 1 per 1/8 of a section	Os-PA, Os-NRL Os-RSV (per Subsection (6))
<u>Secondary Forest—Natural Resource Lands</u>	1/20 acres or 1 per 1/32 of a section	Os-PA, Os-NRL Os-RSV (per Subsection (6))
<u>Rural Resource—Natural Resource Lands</u>	4/40 acres or 4 per 1/16 of a section	Os-PA, Os-NRL Os-RSV (per Subsection (6))
Hamilton Residential	4/40 acres or 4 per 1/16 of a section	Os-PA, Os-UR, Os-RO, Os-RSV
Hamilton Urban Reserve	4/40 acres or 4 per 1/16 of a section	Os-PA, Os-UR, Os-RO, Os-RSV
	*Exception: Maximum residential densities for lands in or within one-quarter mile of a designated <u>Mineral Resource Overlay (MRO)</u> shall be no greater than 1/10 acres; provided, that if the underlying land use designation density of land within one-quarter mile of MRO lands is greater than 1/10 acres, the <u>development</u> rights associated with that density may be transferred to and clustered on that portion of the property located outside of one-quarter mile for the MRO lands, consistent with the <u>CaRD</u> policies in the <u>Comprehensive Plan</u> .	

14.18.330 Approval provisions—CaRDs with 5 or more lots (long CaRDs).

(2) Maximum Number of Dwelling Units per Cluster Pod. The number of dwelling units in each cluster pod shall not exceed that specified by the following table:

Zoning	Maximum No. of Units/Cluster Pod
Rural Resource; Rural Reserve; Rural Intermediate; <u>Rural Village</u> ; Hamilton Residential ; and Hamilton Urban Reserve	14
Agricultural; Industrial Forest; and Secondary Forest	6

The size of septic fields, both community and individual, and/or community water systems may further limit the size of cluster pods within a development, if such limitation is necessary to meet septic and/or water system requirements.

C21-4 Reduced Front Setback to Include Class 19 Roads

Planning Commission recommended to approve the changes indicated below.

14.16.340 Bayview Ridge Residential (BR-R).

[no changes to (1) through (4)]

(5) Density and Dimensional Standards.

(a) Density.

(i) Construction of a single-family dwelling on an existing lot of record is allowed with no minimum density.

(ii) Land divisions must achieve a net density (excluding rights-of-way, trails, and parks) of at least four and no more than six units per acre, except as constrained by the Airport Environs Overlay zone.

(b) Lot Area and Width. The minimum lot size and minimum lot width shall be determined by the following table:

Land Use	Minimum Lot Area	Minimum Lot Width
Single-Family Dwellings	6,000 square feet	50 feet
Multifamily Dwellings	8,400 square feet per each 2 units	60 feet

(c) Setbacks.

(i) Primary Structures.

(A) Front.

Front Setback	House	Garage
Road class 09 & 19 (local neighborhood streets)	20	25
Roads other than class 09	35	40

(B) Side: 15 feet total, minimum of five feet on one side.

(C) Rear: 20 feet.

(D) Attached Garages. New garages must be set back from house front a minimum of five feet unless located to the side or rear of the structure, or alley-loaded.

(ii) Accessory Structures.

(A) Front: 20 feet.

(B) Side: five feet, three-foot setback is permitted from the side and rear lot lines when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line, providing that the structure is 1,000 square feet or less in size and 16 feet or less in height. A side yard setback of 20 feet is required for all accessory buildings when the side property line is adjacent to a street right-of-way.

(C) Rear yard: 20 feet, three-foot setback is permitted from the side and rear lot lines when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line, providing that the structure is 1,000 square feet or less in size and 16 feet or less in height.

(D) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).

(d) Maximum lot coverage: 65 percent.

(e) Maximum height: 40 feet or shall conform to the applicable Federal Aviation Administration regulations concerning height restrictions pursuant to the Airport Environs Overlay, SCC 14.16.210, whichever is less.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers, and fire towers are exempt from the maximum height, but shall conform to the applicable Federal Aviation Administration regulations. The height of personal wireless services towers is regulated in SCC 14.16.720.

C21-5 Pre-application Requirement

Planning Commission recommended to approve the changes indicated below.

14.06.080 Pre-development and pre-application review.

- (1) Pre-Development. Applicants must participate in a pre-development meeting, unless a waiver is requested by the applicant and approved by the Administrative Official. No pre-development meeting is required for administrative interpretations, administrative decisions, administrative variances, boundary line adjustments, and flood area development permits, or development permits exempt from SEPA review. ~~may request and participate in an~~ This informal meeting is provided prior to the formal pre-application meeting, ~~although such pre-development meetings are not required.~~ The purpose of the meeting is to discuss, in general terms, the proposed development, application requirements, design standards, design alternatives, other required permits and the approval process. The County may invite all affected jurisdictions, agencies and/or special purpose districts to the pre-development meeting. If a project is proposed to be located within a municipal urban growth area, notice of the pre-development meeting may be sent to the respective municipality requesting comments and/or participation at the meeting. Staff comment notes shall be given to the applicant upon the conclusion of the meeting.
- (2) Pre-Application. Applicants ~~must~~ may request to participate in a pre-application meeting, ~~unless a waiver is requested by the applicant and approved by the Administrative Official. No pre-application meeting is required for administrative interpretations, administrative decisions, administrative variances, boundary line adjustments, and flood area development permits.~~ Staff comment notes shall be given to the applicant upon the conclusion of the meeting. The purpose of the meeting is to conduct a review of the development application prior to submittal to the Department. Pre-application review will include discussion of requirements for application completeness, permit or approval requirements, fees, review process and schedule, and responding to questions from the applicant. ~~In order to expedite development review,~~ The County may invite all affected jurisdictions, agencies and/or special purpose districts to the pre-application meeting. If a project is proposed to be located within a municipal urban growth area, notice of the pre-application meeting may be sent to the respective municipality requesting comments and/or participation at the meeting. To schedule the required a pre-application meeting, the applicant shall submit the information required on the pre-application meeting form provided by the County. The meeting shall be held within 21 days after a complete submittal of the request by the applicant.