

14.16.860 Agricultural land preservation.

(1) Purpose. The following zoning provision is intended to encourage long-term agricultural land protection. Owners of an existing house in the Agricultural-Natural Resource Lands or Rural Resource-Natural Resource Lands zones are hereby provided a mechanism to create a substandard lot, by means of a subdivision in cases involving 1 lot of record or by means of a boundary line adjustment in cases involving multiple lots of record where the net number of lots will not be increased, in consideration for placing a permanent restriction on the balance of the property in the form of an agricultural preservation agreement.

(2) Exceptions. ~~Exceptions from the dimensional requirements of the SCC may be granted by the Administrative Official~~

(a) Exceptions from the dimensional requirements of the SCC may be granted by the Administrative Official through the use of a County-adopted agricultural preservation agreement and agricultural use covenant and agreement relating to development rights, if they:

~~(a)~~ (i) Are not contrary to the public interest;

~~(b)~~ (ii) Are not contrary to the Skagit County Comprehensive Plan;

~~(c)~~ (iii) Do not increase the allowable density as prescribed by the Comprehensive Plan, and satisfy the criteria listed below:

~~(i)~~ (A) Parcel consists of predominantly Lowland Prime Soils (as defined by Skagit County's Planning and Permit Center's: "Farmland Soils Map").

~~(ii)~~ (B) Parcel is zoned Agriculture-NRL or Rural Resource-NRL.

~~(iii)~~ (C) Residential lots may not exceed 1 acre in size unless site constraints preclude placement of a well or septic system.

~~(d)~~ (iv) An agricultural use covenant is placed on the remainder of the property and granted to Skagit County. The covenant is an interest in real property under the provisions of RCW 64.04.130 and will be held in trust by Skagit County. The covenant will remain in effect until a court of competent jurisdiction finds that it is no longer possible to commercially use the property for the production of food or agricultural products. In lieu of granting an agricultural use covenant to Skagit County, the property owner may convey a substantially similar conservation easement to a nonprofit Skagit County-based land trust or other qualified conservation organization as defined in RCW 84.34.250.

~~(e)~~ (v) If these criteria are met, and a parcel has more than 1 residential structure existing as of September 11, 1996, then separate lots may be created for each such primary residence; provided, that the requirements stated above are met for each lot. (Ord. O20050003 (part); Ord. 17938 Attch. F (part), 2000)

(b) Exceptions from the site assessment requirements of SCC 14.24 may be granted by the Administrative Official provided that:

(i) The short subdivision does not include additional development as defined under SCC 14.04.020; and

(ii) All subsequent development on the segregated homesite and/or the remainder parcel(s) shall require complete standard critical areas review pursuant to SCC 14.24.