

## Chapter 14.04

### DEFINITIONS

#### Sections:

**14.04.010 Scope.**

**14.04.020 Definitions.**

#### **14.04.010 Scope.**

This Chapter contains definitions of technical and procedural terms used throughout this Unified Development Code. Additional definitions are found in specific chapters including Chapter 14.36 SCC, Public Works Standards, Chapter 14.12 SCC, SEPA, and the 1997 Uniform Sign Code, Chapter 10, Section 1002, or as amended. (Ord. O20070002 (part); Ord. 17938 Attch. F (part), 2000)

#### **14.04.020 Definitions.**

**Accepted performance of construction:** the written acknowledgment from the Administrative Official of the satisfactory completion of all work accepted by Skagit County, including all work shown on the accepted plans, accepted revisions to the plans, and accepted field changes.

**Accessory dwelling unit (ADU):** separate living quarters located on the same lot and either detached from or included within a primary residence. No recreational vehicle shall be allowed as an accessory dwelling unit.

**Accessory use:** applies to a use, building or structure, which is dependent on and subordinate or incidental to, and located on the same lot with, a principal use, building, or structure.

**Accessory use, residential:** an accessory use to a residence, including, but not limited to, the following:

- (1) One accessory dwelling unit;
- (2) Fallout/bomb shelters;
- (3) Keeping household pets;
- (4) Impoundments under 1-acre feet in volume;
- (5) Private pools, docks, boathouses, boat launches and piers;
- (6) Antennas for private telecommunications systems;
- (7) Storage of on-site yard maintenance equipment;
- (8) Agriculture which is secondary to use of property as residence, including no employees;
- (9) Community water and septic systems and stormwater detention ponds built as part of a land division;
- (10) Private greenhouses; and
- (11) Miscellaneous residential support buildings, such as storage sheds, workshops, garages, and barns.
- (12) No more than 1 commercial vehicle which is 1 ton or more in size.

**Act:** the Growth Management Act, Chapter 17, Laws of 1990, 1st Ex. Sess., Chapter 36.70A RCW et seq., Chapter 32, Laws of 1991, 1st Sp. Sess., and Chapter 6, Laws of 1993, 1st Sp. Sess., as now in existence or as hereafter amended.

**Active recreational facilities:** facilities usually of a formal nature and offers activities that are often performed with others, requiring equipment and taking place at prescribed places. This includes outdoor recreational facilities, as defined by this Chapter, plus other facilities such as go-cart tracks, paint ball courses and mini-golf utilized as businesses that might occur within an enclosed structure. Not included in this category are outdoor race tracks or shooting ranges.

**Administrative Official:** the Director of Planning and Development Services, provided the Director may authorize certain staff to act on behalf of the Director, for specific decisions under this Title, as long as the staff is acting under the supervision and direction of the Director.

**Adopt a comprehensive land use plan:** means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

**Adult group care facility:** an establishment providing full-time care for more than 5 patients, convalescents, invalids, or aged persons. Such establishment shall be duly licensed by the State of Washington as a “nursing home” in accordance with current State statutes.

**Affected County intersection:** a County intersection through which a development project will add 20 or more peak hour trips.

**Affected County road segment:** a County road segment on which the development project will add 20 or more peak hour trips.

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

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

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

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

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

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

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

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

**Agriculture or agricultural activity:** the use of land for commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products, or of berries, grain, hay, straw, turf, seed, cottonwood trees, Christmas trees (not subject to excise tax imposed by RCW 84.33.100 through 84.33.140), or livestock, including those activities directly pertaining to the production of crops or livestock including, but not limited to, cultivation, harvest, grazing, on-site animal waste storage and disposal, fertilization, the operation and maintenance of farm and stock ponds, drainage ditches, irrigation systems, and canals, and normal maintenance, operation and repair of existing serviceable structures, facilities, or improved areas. Activities that bring an area into agricultural use are not considered agricultural activities. In addition, in order for parcels of land under 20 acres to qualify under this definition, they must meet the criteria of RCW 84.34.020(2)(b) and (c).

**Agriculture, commercial:** only applies to Chapter 14.32 SCC, Drainage Ordinance. "Commercial agriculture" means those activities conducted on lands defined in RCW 84.34.020(2), and activities involved in the production of crops or livestock for retail or wholesale trade. An activity ceases to be considered commercial agriculture when the area on which it is conducted is proposed for conversion to a nonagricultural use or has lain idle for more than 5 years, unless the idle land is registered in a Federal or State soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity.

**Agronomic rates:** means a quantity of animal waste, process wastewater, or other crop nutrients that, when added to the soil by mechanical means, will achieve crop production goals. The determination of agronomic rate shall take into account the nutrient requirements of the crop production system, including crop nutrient requirements, amounts of nutrients applied as waste or wastewater and commercial fertilizer, amounts of irrigation water, amounts present in the soil, and losses of nutrients through denitrification, ammonia volatilization and leaching, and State water quality standards.

**Aircraft hangar:** a building or structure used for the storage of aircraft and activities related thereto (i.e., offices, pilots' lounge, waiting area, terminal area, shop area, assembly area).

**Aircraft landing field, private:** an aircraft landing field for private, noncommercial use.

**Airport:** Skagit Regional Airport/Bay View.

**Airport elevation:** the highest point of an airport's usable land area measured in feet from sea level.

**Airport obstruction:** any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in SCC 14.16.210.

**Airport safety zone:** as defined by the most recent FAA definition.

**Airspace surfaces:** as defined by the most recent FAA definition.

**Alluvial fan:** a fan-shaped deposit of water-transported material (alluvium). They typically form at the base of topographic features where there is a marked break in slope.

**Alteration, critical area:** any human-induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to, grading, filling, channelizing, dredging, clearing (vegetation), construction, compaction, excavation, or any other activity that changes the character of the critical area.

**Alterations, structural:** any change in the structural features or elements of a building.

**Anadromous fish:** fish that spawn and rear in freshwater and mature in the marine environment.

**Animal clinic/hospital:** a building for medical or surgical treatment of animals, which may include overnight stays.

**Animal or poultry husbandry:** the management or production of domesticated animals or fowl.

**Animal preserve:** a preserve for the public viewing of wild animals, either on foot or from the car, and either indoors or outdoors.

**Antenna:** any exterior apparatus designed for telephonic, radio, data or internet communications through the sending and/or receiving of radio frequency or other communications signals including equipment attached to a tower or building for the purpose of providing personal wireless services and its attendant base station.

**Antenna height:** the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

**Antenna support structure:** any pole, telescoping mast, tower, tripod or other structure which supports a device used in the transmitting or receiving of radio frequency signals.

**Appeal:** a request for a review of the decision of the Approving Authority on any provision of this Code.

**Applicant:** any person, entity, or agency that applies for a development proposal, permit or approval subject to review under this Code.

**Application:** a written request or a form provided by Planning and Development Services for a construction or land use action or permit for any activity that would alter or modify the legal description, use, and/or development of any parcel of land. To be complete, said application must comply with all the requirements of submittal including full payment of any fees as prescribed by the respective ordinance listing the requested action or permit and in a form deemed appropriate by the Administrative Official.

**Approving Authority:** the person or body in whom the authority is placed to grant a permit. Unless otherwise noted, it is the Administrative Official for administrative variances (Level I, Chapter 14.06 SCC) and the Hearing Examiner for Hearing Examiner variances (Level II, Chapter 14.06 SCC).

**Aquicludes:** a hydrogeologic unit which, although porous and capable of storing water, does not transmit it at rates sufficient to furnish an appreciable supply for a well or spring.

**Aquifer:** a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

**Aquifer recharge areas:** areas that, due to the presence of certain soils, geology, and surface water, act to recharge groundwater by percolation.

**Aquitards:** a low permeability geologic formation within a stratigraphic sequence that functions as the upper or lower boundary of a groundwater flow system or aquifer.

**Area of shallow flooding:** a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from 1 to 3 feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

**Area of special flood hazard:** the land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

**Artificial watercourse:** ditches and other water conveyance systems, not constructed from natural watercourses, which are artificially constructed and actively maintained for irrigation and drainage. Artificial watercourses include lateral field ditches used to drain farmland where the ditch did not replace a natural watercourse.

**Authorizations:** actions taken by the Administrative Official or duly appointed agent that ensures the proposal is in compliance with the provisions of this Title.

**Automobile wrecking:** premises used for the storage and/or sale of used automobile parts, or for the storage, dismantling, or abandonment of junk, automobiles, trailers, machinery or parts thereof.

**Available capacity:** capacity in a concurrency facility or service that is available for use without requiring facility construction, expansion or modification or will be available at project occupancy as a result of a committed improvement.

**Average day-night sound level:** as defined by the most current American National Standards Institute definition.

**Base flood:** a flood having a 1% chance of being equaled or exceeded in any given year.

**Base flood elevation (BFE):** height of the base flood in relation to the National Geodetic Vertical Datum of 1929. Also defined as the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, V, and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year.

**Basement:** for application of the requirements of Chapter 14.34 SCC, Flood Damage Prevention, and National Flood Insurance Program (NFIP) only, a basement is defined as any area of the building, including any sunken room or sunken portion of a room, having its floor below ground level (subgrade) on all sides.

**Basin plan:** a plan and all implementing regulations and procedures including, but not limited to, land use management adopted by ordinance for managing surface and stormwater quality and quantity management facilities and drainage features within individual sub-basins.

**Bed and breakfast:** an owner-occupied and managed dwelling which is used to provide overnight guest lodging for compensation and which usually provides a morning meal. Guest lodging may be in a separate structure from the main dwelling unless otherwise stated in Chapter 14.16 SCC.

**Best available science:** current scientific information used in the process to designate, protect, or restore critical areas, that is derived from a valid scientific process as defined by WAC 365-195-900 through 365-195-925.

**Best management practices (BMPs), agricultural:** practices or structures designed to reduce the quantities of pollutants such as sediment, nitrogen, phosphorus, and animal wastes that are washed by rain and snow melt from farms into nearby surface waters such as lakes, creeks, streams, rivers, and estuaries. Agricultural BMPs can include fairly simple changes in practices such as fencing cows from streams to keep animal waste out, planting grass in gullies where water flows off a planted field to reduce the amount of sediment that runoff picks up as it flows to rivers and lakes, reducing the amount of plowing in fields where row crops are planted to reduce soil erosion and nitrogen and phosphorus loss from fertilizers applied to the crop land. BMPs can also involve building structures, such as large animal waste storage tanks that allow farmers to choose when to spread manure on their fields as opposed to spreading it based on accumulated volume.

**Best management practices (BMPs), critical areas:** physical or structural tools and/or management practices which, when used singularly or in combination, prevent or reduce adverse impacts to critical areas or their buffers. When used in the context of agricultural activities, BMPs refers to the most current conservation practice standards developed by the Natural Resource Conservation Service (NRCS) and contained in the Field Office Technical Guide, or other practices identified by NRCS, an NRCS technical service provider, or other qualified expert as adequately addressing the applicable resource impact issues to meet the requirements of the Critical Areas Ordinance, Chapter 14.24 SCC. In cases where new standards have been developed to address requirements under the Endangered Species Act, these new standards shall apply. Where no new standard has been developed, the existing NRCS standard shall apply. BMPs are used in various voluntary Federal programs that provide technical support and funding incentives.

**Best management practices (BMPs), drainage:** physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, and have been approved by Skagit County as accepted BMPs.

**Binding site plan:** a drawing which identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by this Title; contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan; and contains provisions making any development conform with the site plan. A binding site plan may be used to divide land.

**Biofiltration/biofilter facilities:** vegetative BMPs that treat stormwater by filtration through vegetation. Biofiltration facilities include, but are not limited to, grassed or vegetated swales and filter strips.

**Birdsall method:** a level of service (LOS) methodology that is used by Skagit County to determine Road System Concurrency. This method uses “Planned Capacity” rather than “Physical Capacity” in determining roadway improvement needs. Roadways have an unmet need where the ratio of peak hour traffic (V) to planned capacity (PC) is greater than 1 ( $V/PC > 1.0$ ). (For a detailed discussion of this concept, see Ch. V, Level of Service Standards, in the Transportation System Plan.)

**Board:** the Board of County Commissioners of Skagit County.

**Boat launch, public:** a boat launch which serves more than a single residence.

**Boathouse, commercial:** any walled or covered structure built onshore or offshore for the wet or dry commercial storage, repair, or building of watercraft or float planes.

**Bond:** a financial guarantee, in the form of a surety bond, assignment of funds, or irrevocable bank letter of credit, that shall guarantee compliance with applicable provisions of this Title.

**Boundary line adjustment:** a conveyance made for the purpose of adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimensions to meet minimum requirements for building site.

**Breakaway walls:** a wall or partition located below base flood elevation and designed to break away under high tides or wave action without causing damage to the structural system or elements of the building. Such walls shall be designed for not less than 10 pounds per square foot or more than 20 pounds per square foot on the vertical projected area.

**Buffer, critical area:** an area that is contiguous to and protects a critical area which is required for the continued maintenance, functioning, and/or structural stability of a critical area.

**Buffer, generally:** an area contiguous with a critical area, natural resource land, or urban growth area that is required for the integrity, maintenance, function, and stability of the area or land.

**Buildable lot:** a lot of record determined to be in compliance with all applicable Chapters of the Skagit County Code for which a development permit is approved.

**Building:** any structure used or intended for supporting or sheltering any use or occupancy.

**Building footprint:** the area of ground covered by a building.

**Building permit:** an official document or certification which is issued by the Building Official and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure. Building permit also includes a mobile home permit.

**Business or commerce:** the purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, substance, or commodity for livelihood or profit.

**Cabin:** a recreational dwelling unit used for short-term occupancy (in month-to-month or shorter increments) which may be fully plumbed, served with electrical power, and/or contain a kitchen and bathroom.

**Camouflaged:** a personal wireless service facility that is disguised, hidden or integrated with an existing structure or landscape so as to be significantly screened from view.

**Campground:** an area of land developed for recreational use in temporary occupancy, such as 2 or more tents and/or recreational vehicles.

**Campground, destination:** a campground with a high level of amenities, including the amenities of a developed campground and any of the following: cabins, snack bars, small retail shops, restaurants, recreation halls, sports courts, on-site offices, laundromats, or other similar activities to serve the campground patrons.

**Campground, developed:** a campground with a moderate level of amenities, including any of the following: plumbed restrooms, individual campsites or cabins with sewer and water hook-ups, a dump station, or picnic shelters.

**Campground, primitive:** a campground with a minimal level of amenities, including, at a minimum, vault or chemical toilets and garbage service, and which may include running water.

**Capital facilities:** facilities or improvements included in a capital budget.

**Capital Facilities Plan:** a Capital Facilities Plan adopted by a board or commissioners responsible for its implementation and submitted to the County for adoption into the County's Comprehensive Plan.

**CaRD lot:** a lot created through a CaRD land division either as a reduced-size residential lot, a nonresidential open space lot, or as an open space lot with a building envelope.

**Cell site or site:** a tract or parcel of land that contains the personal wireless service facilities, including any antenna, support structure, accessory buildings and parking, and may include other uses associated with and ancillary to personal wireless services.

**Certificate of capacity:** a document issued by Planning and Development Services indicating the quantity of traffic impacts on County roads and the quantity of capacity for non-transportation concurrency facilities and services that has been reserved for a specific development project on a specific property.

**Church:** a place or building where religious services are conducted, and which may include, as accessory uses, religious education, reading rooms, assembly rooms and a rectory or parsonage. This definition does not include facilities for training of religious orders.

**City:** means any city or town, including a code city.

**Clearing or land clearing:** the surface removal of vegetation, except those regulated under WAC Title 222 or Chapter 46.04 RCW.

**Closed depressions:** low-lying areas that have no surface outlet, or such a limited surface outlet that in most storm events, the area acts as a retention basin, holding water for infiltration, evaporation or transpiration.

**Closed record appeal:** an appeal to the Board of County Commissioners based on the existing record.

**Cluster:** 2 or more residential CaRD lots located immediately adjacent to each other and grouped together in 1 location on a parcel.

**Cluster pod:** a number of residential CaRD lots located immediately adjacent to each other and grouped together in 1 location on a parcel. The number of lots allowed in any 1 cluster pod is limited as outlined in SCC 14.18.330(2).

**Coastal high hazard areas:** special flood hazard areas along the coasts that have additional hazards due to wind and wave action. These areas are defined on Flood Insurance Rate Maps as Zones V, V1-V30 and VE.

**Co-housing:** a type of residential community characterized by either attached or detached single-family dwelling units which may or may not be located on separate lots, and includes a common building, which may contain a large dining room, kitchen, lounges, meeting rooms, recreation and laundry facilities, storage, guest rooms, library, workshops, and/or childcare, to serve only the co-housing community.

**Co-location:** the use of a personal wireless service facility, cell site or other structure by more than 1 personal wireless services provider.

**Committed improvement:** a legally binding commitment that a specific amount of capacity will be added to a concurrency facility or service by a specific date.

**Common area:** land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development.

**Compensatory mitigation:** replacing project-induced critical area losses or impacts; includes, but is not limited to, restoration, creation, enhancement or preservation.

**Comprehensive drainage plan:** a detailed analysis, adopted by the Board, for a drainage basin which assesses the capabilities and needs for runoff accommodation due to various combinations of development, land use, structural and nonstructural management alternatives. The plan recommends the form, location, and extent of stormwater quantity and quality control measures that would satisfy legal constraints, water quality

standards, and community standards, and identifies the institutional and funding requirements for plan implementation.

**Comprehensive Land Use Plan, Comprehensive Plan, or Plan:** the policies and proposals approved and recommended by the Planning Agency or initiated by the Board of County Commissioners (the Board) and approved by motion of the Board (a) as a beginning step in planning for the physical development of the County; (b) as the means for coordinating County programs and services; (c) as a source of reference to aid in developing, correlating and coordinating official regulations and controls; and (d) as a means for promoting the general welfare. Such plan shall consist of the required elements set forth in RCW 36.70A.070 and may also include the optional elements set forth in RCW 36.70A.080, which shall serve as a policy guide for the subsequent public and private development and official controls so as to present all proposed developments in a balanced and orderly relationship to existing physical features and governmental functions.

**Comprehensive Plan amendment:** an amendment or change to the text or maps of the Comprehensive Plan.

**Concentrated animal feeding operation:** a lot or facility (other than aquatic) where more than 300 slaughter or feeder animals are confined and fed or maintained for a period of 45 days or more in any 12-month period, and in which crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season.

**Concurrency decision:** a decision that a proposed land development will not cause the level of service on a concurrency facility and service to decline below adopted levels of service standards, taking into account the available capacity, the capacity used by the proposed development, the capacity tentatively reserved by other pending development permit applications, the capacity reserved in certificates of capacity issued to projects that are not yet built, the capacity to be used by other growth estimated to occur, the capacity to be added by committed improvements that will be in place at the time the capacity is needed by the proposed development, and, in the case of transportation concurrency, the capacity to be added by funded projects.

**Concurrency determination:** a concurrency determination for roads or a concurrency determination for non-transportation facilities and services.

**Concurrency determination for non-transportation facilities and services:** a concurrency determination made by the non-transportation facility provider which compares an applicant's impact on that provider's facilities to the capacity of such facilities, taking into account available facility capacity and any mitigation measures proposed by the applicant.

**Concurrency determination for roads:** a determination of concurrency made by the Department of Public Works which compares an applicant's impact on County roads to the capacity of the County roads, taking into account available and planned capacity and any mitigation measures proposed by the applicant. Two separate methodologies are used: the Birdsall method for evaluating road system concurrency, and the Highway Capacity Manual for evaluating individual road concurrency.

**Concurrency facilities and services:** the facilities and services for which project concurrency review is required in accordance with the provisions of this Chapter. All of the concurrency facilities and services other than County roads are referred to as non-transportation concurrency facilities and services.

**Concurrency facility and service providers:** the County department or other governmental entity responsible for providing the applicable service or facility to a development project subject to project concurrency review under this Title. All of the concurrency facility and service providers providing facilities and services other than County roads are referred to as non-transportation concurrency facilities and services providers.

**Conservation and Reserve Development (CaRD):** a technique of residential land development characterized by the placement of lots, dwellings and accessory buildings in a pattern of development which reduces impervious surface area, lowers costs of development and maintenance, and retains larger expanses of property available for agriculture, forestry, recreation, future development or continuity of open space or ecological functions characteristic of the property to be developed. A CaRD, in some cases, allows higher

densities than normally permitted in the zone, but also has greater design requirements. A CaRD may also modify certain requirements of the zone, as specifically allowed by this Code. When the creation of lots is desired, a CaRD is done in conjunction with a land division.

**Conservation easement:** a conservation easement is a legal agreement a property owner makes to restrict the activities and uses that may take place on his or her property. Conservation easements also convey the right to enforce these restrictions to a qualified conservation recipient, such as a local government or a land trust.

**Conservation plan:** a site-specific plan designed to conserve and/or productively utilize available resources while reducing adverse impacts to critical areas or their buffers caused by agricultural activities. Development of conservation plans typically includes inventory and analysis of available resources, and plans must specify the BMPs necessary to achieve the objectives of this Chapter.

**Contaminant:** any chemical, physical, biological or radiological substance that does not occur naturally in groundwater or that occurs at concentrations greater than those in natural levels.

**Contiguous land:** land adjoining and touching other land regardless of whether or not portions of the parcels have separate Assessor's tax numbers, were purchased at different times, lie in different sections, are in different government lots, or are separated from each other by private road or private rights-of-way.

**Conversion:** a use other than commercial timber operations that is a bona fide conversion to an active use which is incompatible with timber growing, or where the landowner has declared a conversion as part of the forest practice application approved by the Washington State Department of Natural Resources (DNR).

**Conversion, agricultural land:** any activity that alters the landscape so as to preclude a parcel or a portion of a parcel from the reasonable possibility of agricultural production. This includes the construction of structures or infrastructure or any other alteration which would make agricultural production of a parcel or portion of a parcel technically or economically infeasible. Locating structures within an existing developed area used as a home-site, or within an area not more than 1 acre in size on vacant parcels, shall not be considered conversion.

**Conversion Option Harvest Plan (COHP):** a voluntary plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations, and open space.

**Cooperative compensation projects:** actions necessary to replace project-induced losses to the functional values of a critical area, including land acquisition, planning, construction plans, monitoring and contingency actions.

**County:** Skagit County.

**County road intersections:** intersections between 2 County roads, between County roads and lower traffic volume city streets, and between County roads and lower traffic volume State highways.

**County road segments:** portions of individual County roads for which LOS is analyzed using the Birdsall method or Highway Capacity Manual (HCM).

**Covenants:** a restriction on the use of land usually set forth in the deed.

**Critical areas:** include any of the following areas or ecosystems: aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands, as defined in Chapter 36.70A RCW and this Title.

**Critical drainage area:** those areas designated in SCC 14.32.110, Critical drainage areas, which have a high potential for stormwater quantity or quality problems.

**Critical facility:** a facility where safety from disaster is of paramount importance. Critical facilities include, but are not limited to, schools, hospitals, police, fire, and emergency response installations, nursing homes, installations which produce, use, or store hazardous materials or hazardous waste.

**Critter pad:** livestock flood sanctuary areas.

**Date of decision:** the date on which a final decision or determination occurs and is transmitted to parties of record and from which the appeal period is calculated.

**Day care center:** an establishment providing care for periods less than 24 hours for children, patients, convalescents, invalids, or aged persons.

**Days:** unless otherwise specified, the word “days” shall mean calendar days, not business days.

**Dedication:** the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the uses to which the property has been devoted.

**Department:** Skagit County Planning and Development Services.

**Design storm event:** a theoretical storm event of a given frequency interval and duration used in the analysis and design of a stormwater and drainage facility.

**Detention facilities:** stormwater and drainage facilities designed to store runoff while gradually releasing it at a pre-determined controlled rate. Detention facilities shall include all appurtenances associated with their designed function, maintenance, and security.

**Developed site:** the condition of the development site following completion of construction of the development including all approved phases of construction.

**Developer:** the individual(s) or corporation(s) applying for the permits or approvals listed in this Title.

**Development:** construction or exterior alteration of structures, dredging, drilling, dumping, filling, earth movement, clearing or removal of vegetation not associated with regulated conversions under Class IV general and Conversion Option Harvest Plans, storage of materials or equipment in a designated floodway, or other site disturbance which either requires a permit, approval or authorization from the County or is proposed by a public agency other than internal logging roads.

**Development activity:** for the purposes of Chapter 14.30 SCC, Public Facilities Impact Fees, a type of construction, placement, conversion or expansion of a residential building or structure, or the siting of a mobile home, or a change in use of a residential building or structure or mobile home, or a change in use of land that creates or has the potential in the present or future to create an additional dwelling unit.

**Development approval:** approval by Skagit County of a development permit.

**Development Code:** SCC Titles 14 and 15.

**Development envelope:** generally, the portion of a lot which may be used for development. As applied to a CaRD, the portion of a lot which may contain a single-family dwelling and accessory structures.

**Development permit, or development permit application:** any land use discretionary, or environmental permit or license required from a local government for a project action, including, but not limited to, construction or exterior alteration of structures, dredging, drilling, dumping, filling, earth movement, clearing or removal of vegetation, Class IV general forest practices, Class III forest practices with Conversion Option Harvest Plans as defined in Chapter 222-16 WAC, or other site disturbance which either requires a permit, approval or authorization from the County or is proposed by a public agency, but excluding the adoption of amendment of a Comprehensive Plan, subarea plan, community plan, functional plan, development regulation or any amendments thereto.

**Development proposal:** a proposal for development requiring a permit from Skagit County.

**Development regulation or regulations:** means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical area ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

**Development review:** all review from pre-application meetings through the rendering of a final decision pursuant to the provisions of the Skagit County Code.

**Development Review Team:** representatives from Skagit County Planning and Development Services, Public Works, Health Department, and Emergency Management.

**Dike:** a manmade embankment or revetment normally set back from the river bank or channel in the floodplain for the purpose of keeping floodwaters from inundating adjacent land; material is normally clay.

**Diking:** a system of levees or banks, usually constructed of earth to control or confine water and create a protection against tidal or floodwaters.

**Diking and drainage system:** any lawfully constructed combination of dike, levee, and drainage which actually does or is designed to prevent inundation and facilitate drainage of land upland of the ordinary high water mark.

**Dimensional standards:** means setbacks, lot coverage, maximum height and other dimensional requirements for the purposes of subdivision and development permits.

**Director of Public Works:** the Director of Public Works or his/her designee.

**Discretionary development permits:** development permit applications requiring discretionary review, including, but not limited to, subdivision permits, special use permits, unclassified use permits, variances, and shoreline substantial development/conditional use/variance permits.

**Display gardens:** horticultural gardens open to the public, including ornamental plants.

**Distance:** the length in feet between 2 or more points as measured on a horizontal plane.

**District:** as it applies to special purpose districts, any area located within Skagit County that has special purpose and defined service area boundaries in the unincorporated area of Skagit County, and whose Capital Facilities Plan has been or will be adopted by the Board as a part of the County's Comprehensive Plan.

**Diversion:** the routing of stormwater to other than its natural discharge location.

**Drainage:** the collection, conveyance, containment, and/or discharge of surface and stormwater runoff.

**Drainage feature:** any natural or manmade structure, facility, conveyance, or topographic feature which has the potential to concentrate, convey, detain, retain, infiltrate, or affect the flow rate of stormwater runoff.

**Drainage plan:** a plan for the collection, storage, transport, treatment and discharge of runoff, and may include both the plan and profile views of the site as well as existing and proposed contours, construction details, and notes.

**Driveway:** access to 1 or 2 individual lots.

**Dwelling, apartment:** a building containing 3 or more dwelling units that may be located one over the other in a multi-unit configuration.

**Dwelling, condominium:** a building, or group of buildings, in which dwelling units are individually owned, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

**Dwelling, duplex:** a building containing 2 single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.

**Dwelling, townhouse:** a one-family dwelling in a row of at least 3 such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by 1 or more vertical common fire resistant walls. Townhouses may be located on a separate (fee simple) lot or several units may be located on a common parcel.

**Dwelling unit:** 1 or more rooms designed for occupancy by a person or single family for living and sleeping purposes, containing kitchen facilities and rooms with internal accessibility, for use solely by the dwelling's occupants. Dwelling units include single-family residences, factory-built housing and mobile homes.

**Dwelling unit, attached:** a dwelling unit separated by less than 6 feet from another dwelling unit.

**Dwelling unit, detached:** a dwelling unit separated by a minimum of 6 feet from another dwelling unit.

**Early notice:** the County's response to an applicant inquiry as to whether the County considers issuance of a determination of significance likely for the applicant's proposal.

**Ecology:** the Washington State Department of Ecology.

**Effective date:** the date of final decision.

**Elevated building:** a building that has no basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

**Elevation certificate:** certified record of the actual elevation of a structure in relation to mean sea level of the lowest habitable floor or horizontal supporting member.

**Encroachment:** as it relates to flood control, any fill, structure, building, use, accessory use, or development in the floodplain or watercourse where, combined with all other existing development, increases the base flood elevation more than 1 foot at any point. Encroachments shall be prohibited in regulatory floodways.

**Encumbered:** to reserve, set aside, or otherwise earmark the impact fees by contract to pay for commitments, contractual obligations, or other liabilities incurred for public facilities as set out in an adopted Capital Facilities Plan.

**Enhancement:** an action which improves the functions and values of a stream or wetland.

**Erosion and Sediment Control Plan:** those requirements listed in SCC 14.32.060.

**Erosion hazard areas:** those areas containing soils which, according to the United States Department of Agriculture Soil Conservation Service Soil Classification System, may experience severe to very severe erosion.

**Essential public facilities:** those facilities that are typically difficult to site, such as airports, State education facilities and State or regional transportation facilities as defined in RCW 47.06.140, State and local correctional facilities, solid waste handling facilities, and inpatient facilities, including substance abuse facilities, mental health facilities, and group homes.

**Examiner:** the Skagit County Hearing Examiner.

Existing site conditions:

- (1) For developed sites with stormwater and drainage facilities that have been constructed to meet the standards in the minimum requirements of this Title, existing site conditions shall mean the existing conditions on the site.
- (2) For developed sites that do not have stormwater and drainage facilities that meet the minimum requirements of this Title, existing site conditions shall mean the conditions that existed prior to local government adoption of a stormwater management program (August 2, 1983). If in question, the existing site conditions shall be documented by aerial photograph records, or other appropriate means.
- (3) For all sites in water quality sensitive areas as identified under Ecology Minimum Requirement No. 7, Water Quality Sensitive Areas, existing site conditions shall mean undisturbed forest, for the purpose of calculating runoff characteristics.
- (4) Existing site conditions on undeveloped sites shall be the existing conditions, except where timber harvest activities have preceded development regulated by this Title by less than 6 years, where existing site conditions shall be considered undisturbed forest.

**Existing stormwater facilities:** those facilities constructed or under permitted construction prior to the effective date of this Title.

**Exotic:** means any species of plants or animals that is not indigenous to the area.

**FAA:** the Federal Aviation Administration.

**Family:** an individual, or 2 or more persons related by blood or marriage, or court-approved process, or a group of not more than 5 persons who are not related by blood, marriage, or court-approved process.

**Family day care provider:** an establishment for group care of nonresident adults or children which is accessory to a single-family residence that is the abode of the person or persons under whose direct care and supervision the clients are placed. Day care consists of both adult day care, and child day care facilities, licensed by the State. A maximum of 12 adults or children in any 24-hour period, including children who reside at home, are permitted.

**Family member, immediate:** individual(s) who is/are related by blood, marriage, or court-approved process.

**Farm:** land, buildings and machinery used in the commercial production of land-based farm products.

**Farm-based business:** an on-farm commercial enterprise devoted to the direct marketing of unprocessed and/or value-added and soil-dependent agricultural products that are produced, processed, and sold on-site. Farm-based businesses are intended to supplement farm income, improve the efficiency of farming, and provide employment to farm family members. Farm-based businesses are separate and distinct from agriculture support services.

**Farm operation:** conditions or activities which occur on a farm in connection with the commercial production of land-based farm products, and includes, but is not limited to, market produce at roadside stands or farm markets; preparation for market, delivery to storage or to market, or to carriers for transportation to market; transportation of equipment; noise, dust, fumes, operation of machinery and irrigation pumps; ground and aerial seeding or spraying; application of chemical and organic fertilizers, conditioners, insecticides, pesticides and herbicides and associated drift of such materials; and the employment and use of labor.

**Farm pond:** means a deepwater habitat created from a non-wetland site in connection with agricultural activities where the pond is smaller than 5 acres.

**Farmers' market:** an open-air short-term market where produce and other related goods are sold. Does not include permanent physical structures.

**FCC:** the Federal Communications Commission.

**Feepayer:** is a person, corporation, partnership, an incorporated association, or any other similar entity, or department or bureau of any governmental entity or municipal corporation commencing a development activity which creates the demand for additional public facilities, and which requires development approval and/or the issuance of a building permit. "Feepayer" also includes an applicant for an impact fee credit.

**Fence:** that which is constructed or composed of materials joined together in some definite manner in which the prime purpose is to separate, partition, enclose or screen.

**Final concurrency decision:** a decision made by the project permit decision maker that there is or is not concurrency.

**Final decision:** the final decision by the Administrative Official, Hearing Examiner, or Board of County Commissioners.

**Fish and wildlife habitat conservation areas:**

- (1) Areas with which endangered, threatened, and sensitive species have a primary association;
- (2) Habitats and species of local importance that have been designated by the County at the time of application;
- (3) All public and private tidelands suitable for shellfish harvest;
- (4) Kelp and eelgrass beds, herring and smelt spawning areas;
- (5) Naturally occurring ponds under 20 acres with submerged aquatic beds that provide fish or wildlife habitat;
- (6) Waters of the State as defined by WAC 222-16-030;
- (7) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;
- (8) Areas with which anadromous fish species have a primary association;
- (9) State Natural Area Preserves and Natural Resource Conservation Areas;
- (10) Other aquatic resource areas;
- (11) State priority habitats and areas associated with State priority species as defined in WAC 365-190-080; and
- (12) Areas of rare plant species and high quality ecosystems as identified by the Washington State Department of Natural Resources through the Natural Heritage Program in Chapter 79.70 RCW.

**Flood or "flooding":** a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation of runoff or surface waters from any source.

**Flood Insurance Rate Map (FIRM):** the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study:** the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary floodway map, and the water surface elevation of the base flood.

**Flood protection elevation:** 1 foot above the base flood elevation.

**Floodplain management:** a long-term local government program to reduce flood damages to life and property and to minimize public expenses due to floods through a comprehensive system of planning, development regulations, building standards, structural works, and monitoring and warning systems.

**Floodway:** the river channel and adjacent overbank areas through which the base flood is discharged without cumulatively increasing the water surface elevation more than 1 foot. Floodways identified on flood boundary and floodway maps (FBFM) become “regulatory floodways” within which encroachment or obstructions are prohibited.

**Floor area:** the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building or portion thereof not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

**Flow-sensitive basin:** a watershed drainage area, designated under Chapter 14.24 SCC, where water withdrawals could adversely affect aquatic resources.

**Forest, undisturbed:** fir or mixed forest with good ground cover consisting of litter and brush and being protected from grazing.

**Forest crop:** a crop grown in a wooded area, including, but not limited to, timber, ferns, moss, boughs, bark, berries, tree, nursery stock, and Christmas trees.

**Forest land:** land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140 and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered:

- (1) The proximity of the land to urban, suburban, and rural settlements;
- (2) Surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses;
- (3) Long-term local economic conditions that affect the ability to manage timber production;
- (4) The availability of public facilities and services conducive to conversion of forest land to other uses.

**Forest land owner:** any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner; provided, that any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of “forest land owner” unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

**Forest practices:** any activity conducted on or directly pertaining to forest land and related to growing, harvesting or processing timber as described in Chapter 222-16 WAC. This does not include the conversion of forested land to a use incompatible with growing timber.

**Forestry-based business:** a commercial enterprise devoted to the direct marketing of unprocessed and/or value-added and forestry-related products that are produced or processed on-site, and which may be sold on-site.

**Frequently flooded areas:** lands in the floodplain subject to a 1% or greater chance of flooding in any given year, and those lands that provide important flood storage, conveyance, and attenuation functions, as determined by the Administrative Official in accordance with WAC 365-190-080(3). At a minimum, the 100-

year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program.

**Functionally classified system:** all County roads classified as a local access road, rural minor collector, urban collector, or higher.

**Functions and values:** the beneficial roles served by critical areas including, but are not limited to, water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage, conveyance and attenuation; ground water recharge and discharge; erosion control; wave attenuation; protection from hazards; historical, archaeological, and aesthetic value protection; educational opportunities; and recreation. These beneficial roles are not listed in order of priority.

**Funded projects:** transportation improvement projects for which a financial commitment is in place to complete the improvements or TSM strategies within 6 years of the date the final concurrency decision is to be made. Each year, projects are to be designated as “funded” by the Board of County Commissioners at the time of adoption of the 6-Year Transportation Improvement Program.

**Geologically hazardous areas:** areas that may not be suited to development consistent with public health, safety, or environmental standards, because of their susceptibility to erosion, sliding, earthquake, or other geological events as designated by WAC 365-190-080(4). Types of geologically hazardous areas include: erosion, landslide, seismic, mine, and volcanic hazards.

**Golf course:** a recreational facility designed and developed for golf activities. May include as accessory uses a pro shop, snack bar (not including restaurants), and caddy shack/maintenance buildings.

**Governing authority:** the governing authority of the County, namely the Board of County Commissioners.

**Grade:** for the purposes of Chapter 14.34 SCC, existing or natural ground elevation prior to development or final ground elevation after completion of approved filling or grading activity.

(1) **Adjacent grade:** The average height of existing grade adjacent to a building.

**Grading:** any excavating or filling or combination thereof.

**Greenhouse:** a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants.

**Gross acreage:** the total acreage within the boundaries of a proposal, including adjacent street right-of-way per SCC 14.18.000(3)(c).

**Gross building area:** the total amount of enclosed space, whether inhabited or uninhabited, on a lot.

**Groundwater:** water in a saturated zone or stratum beneath the surface of land or a surface water body.

**Group care facility:** living quarters for children or adults meeting applicable Federal and State standards that function as a single housekeeping unit and provide supporting services, including but not limited to counseling, rehabilitation, and medical supervision, not exceeding more than 20 residents and staff. If staffed by nonresident staff, each 24 staff hours per day equals 1 full-time residing staff member for purposes of determining number of staff.

**Growing season:** the portion of the year when soil temperatures are above biologic zero (41 degrees Fahrenheit) as defined by the Washington State Wetlands Identification and Delineation Manual, Washington State Department of Ecology publication No. 96-94.

**Grubbing:** the removal of vegetative matter from underground such as sod, stumps, roots, buried logs, or other debris, and shall include the incidental removal of topsoil to a depth not exceeding 12 inches.

**Habitat enhancement and/or restoration project:** any project, including mitigation banks, private projects or public projects, designed to create, restore and/or enhance habitat for fish, birds and/or mammals and includes the alteration of the landscape by excavation or sculpting of soil and/or the alteration of hydrology. This does not include required on-site mitigation projects associated with permitted development activities pursuant to Chapter 14.24 SCC or projects consisting exclusively of planting vegetation.

**Habitat of local importance:** includes a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These might also include habitats that are of limited availability or high vulnerability to alteration, such as cliffs, talus, and wetlands.

**Hazard trees:** those trees with a structural defect, combination of defects or disease resulting in a structural defect that, under the normal range of environmental conditions at the site, will result in the loss of a major structural component of the tree in a manner that will:

- (1) Damage a residential structure or accessory structure, place of employment or public assembly or approved parking for a residential structure or accessory structure or place of employment or public assembly;
- (2) Damage an approved road or utility facility; or
- (3) Prevent emergency access in the case of medical hardship.

**Hazardous waste:** all dangerous waste (DW) and extremely hazardous waste (EHW) as defined in RCW 70.105.010.

**Hazardous waste storage:** the holding of dangerous waste for a temporary period as regulated by the State of Washington Dangerous Waste Regulations, Chapter 173-303 WAC.

**Hazardous waste treatment:** the physical, chemical or biological processing of dangerous waste to make wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage or reduced in volume.

**Health Officer:** means the Health Officer of Skagit County or his authorized representative.

**Hearing Examiner:** the Skagit County Hearing Examiner.

**Height:** the vertical distance measured from the average elevation of the area occupied by the structure to the highest point of the structure or roof for flat roofs, and the average height of the roof on gable, shed, hip or other peaked roofs.

**Height, aviation related and airport environs overlay zones:** for the purpose of determining the height limits in all zones set forth in these zones, and shown on the official map, the datum shall be mean sea level elevation, unless otherwise specified.

**High traffic County road intersections:** any County road intersection into which the total approach volume is at least 7,000 average daily trips and the approach volume from all of the minor legs totals at least 1,000 average daily trips.

**High traffic County road segments:** any County road segment on which there are at least 8,000 average daily trips.

**Highway Capacity Manual (HCM):** a document which presents a collection of techniques for determining lane capacity and the best methodologies available at the time of publication for determining congestion based on quality of service or level of service for streets, roads, and highways.

**Historic site:** includes both archaeological and historic sites, structures, or development which contributes to Skagit County's cultural and historic heritage, including, but not limited to, Indian and pioneer settlements, old buildings, forts, trails, landings, bridges, or the sites thereof together with interpretive facilities.

**Home Based Business:** Home based businesses are home occupations that remain incidental to the use of a residence for general dwelling purposes and are compatible with rural character. Three categories of home based businesses are allowed in Skagit County: Home Based Business 1, Home Based Business 2, and Home Based Business 3. Home Based Business 1 is generally a permitted use while Home Based Business 2 and 3 require a special use permit.

**Hospital:** a building designed and used for medical and surgical diagnosis, treatment, and housing of persons, which may include overnight stay. Rest homes, nursing homes, convalescent homes and clinics are not included.

**Hotel/Motel:** a building in which there are guest rooms where lodging with or without meals is provided for compensation, where no provision is made for cooking in any room or suite. This definition shall apply to all operations with 6 or more guest rooms or where the operation is not owner-occupied or owner-managed.

**Hydrogeological susceptibility:** the degree to which groundwater may become contaminated depending on the local hydrologic characteristics.

**Hydrogeology:** the study of subsurface waters, their origin, occurrence, movement and quality.

**Hydrograph:** a graph of runoff rate, inflow rate, or discharge rate past a specific point over time.

**Hydrograph method:** a method of estimating a hydrograph using a mathematical simulation. Commonly accepted hydrograph methods include the National Resource Conservation Service TR-55 Method and the Santa Barbara Urban Hydrograph Method.

**Illicit discharge:** all non-stormwater discharges to stormwater drainage systems that cause or contribute to a violation of State water quality, sediment quality, or groundwater quality standards including, but not limited to, sanitary sewer connections, industrial process water, interior floor drains, and gray water systems.

**Impact:** for the purpose of Chapter 14.30 SCC, an activity on or an alteration of a land use which changes or alters the demand for public services or facilities.

**Impact fee:** a payment of money imposed by Skagit County on development activity pursuant to this Title as a condition of granting development approval and/or a building permit in order to pay for the public facilities needed to serve new growth and development. Impact fee does not include a reasonable permit fee, an application fee, the administrative fee for collecting and handling impact fees, the cost of reviewing independent fee calculations, or the administrative fee required for an appeal pursuant to SCC 14.30.070.

**Impact fee account:** the account established for the public facilities for which impact fees are collected. The account(s) shall be established pursuant to SCC 14.30.080, and comply with the requirements of RCW 82.02.070.

**Impervious surface:** a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. Impervious surface shall also include a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include but are not limited to roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads with compacted subgrade, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces.

**Impoundment:** a natural topographic depression, manmade excavation, or diked area, which is designed for livestock watering, irrigation, recreation, wildlife habitat, fish rearing, or property enhancement. Impoundments do not include stormwater management ponds.

**Independent fee calculation:** means the impact calculation, and/or economic documentation prepared to support the assessment of an impact fee other than by the use of the schedule kept on file in Planning and Development Services, or the calculations prepared for a district where none of the fee categories or fee amounts in said appendix accurately describe or capture the impacts of the new development on public facilities.

**Individual road concurrency:** concurrency based on traditional A through F LOS rankings related to specific County road segments and to County road intersections using the Highway Capacity Manual.

**In-kind compensation:** to replace critical areas (e.g., wetlands) with substitute critical areas (e.g., wetlands) whose characteristics closely approximate those destroyed or degraded by a regulated activity.

**Innocent purchaser:** an individual who has purchased real property for value and did not receive actual notice that the lot was not legally created as provided by Chapter 14.18 SCC.

**Institutional camps:** an established group camp maintained for recreation, education, vacation, religious or other similar uses by organized groups that assume supervision of the camp activities. Typically involves overnight stays and group cooking and eating facilities.

**Interest:** the average interest rate earned by a district in the last fiscal year, if not otherwise defined.

**Interlocal agreement:** any agreement between the County and a district or city which sets forth certain terms relating to the planning, zoning, and regulation of development and other issues within an urban growth area.

**Interpretive center:** building(s) or site dedicated to public education about local or area ecology, natural history, human history, or other similar subjects. An interpretive center may include a small store, cafeteria, and auditorium, but does not include overnight stays.

**Junk:** means any solid, non-organic, non-putrescible solid waste including discarded or salvaged materials, scrap metals or other scrap material; used or scrap building, plumbing, electrical, and heating materials; discarded household appliances, furnishings and fixtures; or dismantled or demolished machinery including unlicensed and/or inoperable vehicles.

**Junkyard:** means the use of more than 500 square feet of area of a lot or parcel of land for the depositing, sorting, refining, baling, dismantling, or storage of junk. The term shall not apply to such uses when they are conducted entirely within an enclosed structure, nor does it apply to legally established businesses.

**Kennel:** any day-use kennel, limited kennel, or overnight boarding kennel operated as either a hobby or a business. A kennel-type structure does not, by itself, constitute a kennel. A hobby or business kennel can be one of the following kennel types:

- (1) **Day-use kennel:** any premises at which 1 or more dogs, cats, or both are kept during daytime hours for a commercial purpose including but not limited to grooming, training, and/or boarding.
- (2) **Limited kennel:** any premises at which 1 or more dogs, cats, or both are kept overnight for a commercial purpose including but not limited to breeding or selling. A single, incidental litter in a 12-month period is not a commercial purpose.
- (3) **Overnight boarding kennel:** any premises at which 1 or more dogs, cats, or both are kept overnight for the commercial purpose of boarding.

**Lake:** a naturally or artificially created body of deep (generally greater than 6.6 feet) open water, 20 acres or greater, that persists throughout the year and meets the definitional criteria for a deepwater habitat. For the purposes of this Title, those portions of a lake that meet the definitional criteria for "wetland" shall be regulated under the wetland section of this Title.

**Land disturbing activity:** any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include but are not limited to demolition, construction, paving, clearing, grading, and grubbing.

**Land division:** the division of a lot, tract, or parcel of land into 2 or more lots, tracts, parcels, or other divisions of land for sale, development, or lease.

**Land use intensity, high:** land uses which are associated with high levels of human disturbance or substantial habitat impacts including, but not limited to, medium- and high-density residential (more than one home per five acres), multifamily residential, some agricultural practices, and commercial and industrial land uses.

**Land use intensity, low:** land uses which are associated with low levels of human disturbance or low habitat impacts, including, but not limited to, passive recreation, open space, or forest management land uses.

**Land use intensity, moderate:** land uses which are associated with moderate levels of human disturbance or substantial habitat impacts including, but not limited to, low-density residential (no more than one home per five acres), active recreation, and moderate agricultural land uses.

**Landslide:** down slope movement of a mass of soil, or rock, including, but not limited to, rock falls, slumps, mud flows, debris flows, torrents, earth flows and avalanches.

**Landslide hazard areas:** areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

**Large development:** any new development or any redevelopment activity that includes:

- (1) The creation or cumulative addition of 5,000 square feet or greater of impervious surface area from the pre-development conditions; or
- (2) Land disturbing activity of 1 acre or greater; or
- (3) Grading involving the movement of 500 cubic yards or more of material.

**Large woody debris (LWD) recruitment:** standing timber which has the potential, during the course of natural events, to contribute organic materials to the stream, thus providing stream bank protection and in-stream habitat. LWD includes woody material (logs, rootwads, etc.) that are greater than 10 centimeters in diameter and 1 meter or greater in length.

**Level of service (LOS) standard:** an established minimum capacity of public facilities or services that must be provided per unit of demand or other appropriate measure of need. For transportation, an A through F scale is frequently used to reflect level of service and to designate a LOS standard.

**Level of service, rural:** Level of service applicable to all portions of the County not within an urban growth area.

**Level of service, urban:** Level of service applicable within an urban growth area.

**Long-term commercial significance:** includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

**Lot:** contiguous quantity of land in possession of, owned by or recorded as the property of a person. A lot shall also include any individually numbered or separately designated parcels of property in an approved subdivision or development.

**Lot, building:** a lot created for the purpose of building development under the intended use of the zone.

**Lot, corner:** a lot situated at the intersection of 2 streets or roads. Both lot lines abutting streets shall be deemed front lot lines. The lot line opposite the boundary including the dedicated access shall be considered the rear lot line. The remaining lot line shall be considered a side lot line.

**Lot, panhandled:** a lot which sits behind another lot and obtains access to the main access road via a narrow driveway strip that is a portion of the lot.

**Lot, substandard:** a lot which does not meet the minimum size or width requirements or is unable to meet the minimum setback requirements of the zone.

**Lot coverage:** the percent of area of a lot that may have buildings located thereon.

**Lot line, front:** the boundary of a parcel adjacent to any street right-of-way, or when a parcel is not contiguous to a street, including panhandle lots, the boundary containing the dedicated access. Lots may have more than 1 front lot line.

**Lot line, rear:** the boundary of a parcel opposite the front lot line. In the case of a triangular lot, it means a line 20 feet in length within the lot parallel to and at the maximum distance from the front lot line. For lots having more than 1 front lot line, the lot line opposite the boundary including the dedicated access shall be considered the rear lot line.

**Lot line, side:** any boundary of a parcel which is neither a front nor rear lot line.

**Lot of record:** any lot platted or legally created under a Skagit County subdivision ordinance on or after March 1, 1965; any tract of land divided by metes and bounds or fractional section description or platted and recorded with the auditor prior to March 1, 1965; or any tract of land defined by metes and bounds or fractional section description and conveyed by notarized deed prior to March 1, 1965.

**Lot of record certification:** an administrative review process to determine if a lot was legally created and eligible for conveyance and/or whether the lot is eligible to be considered for development permits.

**Lot of record, legal:** a definition used prior to the adopting of the June 20, 2000, Unified Development Code referring to a lot of record meeting the aggregation requirements of SCC 14.04.190(5) (as formerly codified).

**Lot size:** the total horizontal square footage area within property lines; provided, that area may include the portion of the property that was dedicated to the public or private street right-of-way.

**Lot, through:** a lot having 2 opposite lot lines abutting public streets which are usually more or less parallel to each other; not a corner lot. Both lot lines abutting streets shall be deemed front lot lines.

**Lot width:** the length of the front lot line, or the distance between 2 side lot lines measured at the front setback line, whichever is greater.

**Lowest floor:** the lowest floor of the lowest enclosed area (including a basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of requirements.

**Low-flow or "closed" streams:** those streams in Skagit County designated by the State Department of Ecology as requiring minimum water flows for the purposes of protecting fish, game, birds or other wildlife resources or recreational or aesthetic values of said public waters pursuant to Chapter 90.22 RCW. (See Appendix A, Chapter 14.24 SCC for a list of DOE "closed" or "low-flow" streams.)

**Maintenance, drainage:** any activity that is necessary to keep a stormwater and drainage facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater and drainage facility if reconstruction is needed in order to return the facility to good working order. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater and drainage facilities.

**Maintenance covenant, drainage:** a binding agreement between Skagit County and the person or associations holding title to a property or properties served by a stormwater and drainage facility whereby the entity responsible promises to maintain certain stormwater and drainage facilities. That entity shall also grant the County the right to enter the subject properties to inspect and to make certain repairs, or perform certain maintenance procedures on the stormwater control facilities when the property owner has not performed repairs or maintenance. The entity responsible will be required to reimburse the County for the cost should the County perform such repairs or maintenance.

**Maintenance plan, drainage:** a recorded agreement that identifies a designated group or individual responsible for the proper operation, maintenance, and inspection of a specific stormwater drainage system. The agreement shall include the schedule and scope of maintenance operations for any detention ponds, control structures, catch basins, conveyance systems, and access roads or easements necessary for performance that are included with the as-built drawings as provided by a professional engineer. Such schedule and scope of operations shall include an inspection schedule, maintenance components, defects, conditions when maintenance is needed and the expected results of the performed maintenance.

**Maintenance schedule, drainage:** a document detailing required stormwater and drainage facility maintenance activities to be performed at specified intervals.

**Major utility development:** utility developments designed to serve a broader community area, or are manned.

**Manufactured home:** this definition is to be used for purposes of implementing Chapter 14.34 SCC, Flood Damage Prevention, only. A structure built on a permanent chassis, transported to its site in 1 or more sections, and affixed to a permanent foundation. "Manufactured (mobile) home" does not include recreational vehicles.

**Manufactured home park:** a site containing spaces with required improvements and utilities that are leased for long-term placement of manufactured houses and that may include services and facilities for the residents.

**Manufactured home park or subdivision, existing:** this definition is to be used for purposes of implementing Chapter 14.34 SCC, Flood Damage Prevention, only. A manufactured (mobile) home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured (mobile) homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or before December 31, 1974, or before the effective date of the community's initial Flood Insurance Rate Map (FIRM), whichever is later.

**Manufactured home park or subdivision, new:** this definition is to be used for purposes of implementing Chapter 14.34 SCC, Flood Damage Prevention, only. A manufactured (mobile) home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured (mobile) homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after December 31, 1974, or on or after the effective date of the community's initial Flood Insurance Rate Map (FIRM), whichever is later.

**Manufactured or mobile home park:** a single lot of record, under the ownership or management of 1 person, firm, or corporation, for the purposes of locating 2 or more mobile or manufactured homes for residential dwelling purposes, not including a mobile or manufactured home that meets the definition of a temporary mobile or manufactured home under this Chapter.

**Manure lagoons:** lagoons for livestock and poultry waste which shall follow construction and management guidelines set forth by the USDA-NRCS.

**Marinas:** freshwater or saltwater facilities that provide storage (wet and/or dry), launch areas, supplies, and services for pleasure and/or fishing craft. Marinas may be available to the general public through rental or fee agreements or they may be totally private, or for members of a yacht or country club, or a recreational subdivision.

- (1) Foreshore marinas are located in intertidal (high tide to low tide) or offshore (low tide and seaward) zones, along lake or river shores, and may be of open pile, floating or solid construction. Because of their location, foreshore marinas usually appropriate and utilize beaches and shoreline resources, surface waters, and may require shore defense works on marine shores.
- (2) Backshore marinas are located landward of the high tide line or high water mark, or lake or river shores, and may require harbor and channel dredging, structural support works (bulkheads), and maintenance. Because of this location, offshore defense works are usually not required and beach and shoreline resources are not necessarily appropriated or altered.

**Marinas, primitive:** marinas which include minimal shoreside improvements, limited to toilet facilities, parking, and picnic benches.

**Mass wasting:** a general term for a variety of geomorphic processes by which large masses of rock or earth material are moved downslope by gravity.

**Master planned resorts, existing:** an existing master planned resort, as authorized under RCW 36.70A.362, means a resort in existence on July 1, 1990, and developed, in whole or in part, as a significantly self-contained and integrated development that includes short-term visitor accommodations associated with a range of indoor and outdoor recreational facilities in a setting of significant natural amenities. An existing resort may include other permanent residential uses, conference facilities, and commercial activities supporting the resort, but only if these other uses are integrated into and consistent with the recreational nature of the resort.

**Master planned resorts, new:** a new master planned resort, as authorized under RCW 36.70A.360, means a resort built after July 1, 1990, that is a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities and visitor services.

**Mine hazard areas:** areas underlain by or affected by underground mine workings such as adits, tunnels, air shafts and those areas adjacent to steep slopes produced by open pit mining or quarrying, but excluding any areas where the mine workings have been properly stabilized and closed and made safe consistent with all applicable Federal, State and local laws.

**Mineral resource lands:** lands containing mineral deposits, both active and inactive, that have a known or potential long-term significance for the extraction of minerals and which are in close, economic proximity to locations where the deposits are likely to be used.

**Minerals:** clay, coal, gravel, industrial minerals, valuable metallic substances, sand, stone, and other similar solid materials or substances to be excavated from natural deposits on or in the earth for commercial, industrial, or construction use.

**Mining:** the removal of naturally occurring metallic and non-metallic minerals and other related materials from, on and beneath the earth's surface. Normally, such removal is for commercial and construction purposes. Mining in general includes deep pit, open pit, or surface mining, quarrying, and placer or hydraulic mining.

**Mining, surface or open-pit:** involves either the removal of surface material (overburden) to enable the underlying mineral resources to be exposed and extracted (quarried) or the direct extraction of naturally occurring surface minerals and materials such as rock, sand, gravel and aggregate. Removal of sand from river bars is considered a surface mining activity.

**Mining operations:** all mine-related activities, including:

- (1) The mining or extraction of rock, stone, gravel, sand, earth, and other minerals;
- (2) Blasting, equipment maintenance, sorting, crushing, and loading;
- (3) On-site mineral processing including asphalt or concrete batching, asphalt or concrete recycling, and other aggregate recycling;
- (4) Transporting minerals to and from the mine, on-site road maintenance, road maintenance for roads used extensively for surface mining activities, traffic safety, and traffic control.

**Mini-storage:** a service use containing separate storage spaces that are leased or rented as individual units. Mini-storage shall not include the conduct of business activities other than rental of storage units of the premises and shall not have outside storage of property.

**Minor access:** ingress/egress easements, private roads or roads listed as class 09 on the County Road Information System.

**Minor leg(s):** for a "T" or 3-leg intersection, the leg of the intersection having the lowest traffic volume. For a 4-leg intersection, the 2 legs having the lowest traffic volumes.

**Minor utility development:** utility developments designed to serve a small local community, are not manned and would be considered normal utility services for the area.

**Misinformation:** information regarding the nature and/or location of the proposed activity as presented in the application, or regarding the presence of a critical area or critical area indicators on the subject property, which the applicant knew or should have reasonably known was relevant at the time of the submittal of the checklist.

**Mitigation bank:** a properly developed collection of existing, created, restored or enhanced wetlands and their protective buffers that are created or established using best available science to provide mitigation credits to offset future adverse impacts to wetlands from approved projects elsewhere pursuant to the requirements of Chapter 90.84 RCW and draft rule (Chapter 173-700 WAC).

**Mitigation banking:** an approved program including the creation, restoration, or enhancement of wetland or other aquatic habitats and their functions and values together with a program of administrative functions expressly for the purpose of providing compensatory mitigation in advance of proposed discharges into waters of the United States, including wetlands, where mitigation cannot be achieved at the site of the impact.

**Mitigation plan:** a detailed plan indicating actions necessary to mitigate adverse impacts to critical areas.

**Modified natural watercourse:** that segment of a natural stream that has been modified and is maintained by diking and drainage districts, and where such modification activity was done as a permitted activity that has undergone environmental review (SEPA and/or NEPA), and is in compliance with all necessary permits in effect at the time of its approval.

**Modulation (of a facade):** stepping back or extending forward a portion of the facade or exterior wall.

**Motorized vehicle recreation facility:** a privately owned, publicly used outdoor facility for recreation with minimal associated structures and buildings, which do not involve overnight stays, and include

continuous operation of motorized vehicles as an inherent part of the facility's operation. Examples include bumper boats, go-cart tracks, and bumper cars.

**Mount:** the structure or surface upon which personal wireless service facilities are mounted. There are generally 3 types of mounts:

- (1) Building-Mounted. A personal wireless service facility mount fixed to the roof or side of a building;
- (2) Ground-Mounted. A personal wireless service facility mount fixed to the ground, such as a tower;
- (3) Structure-Mounted. A personal wireless service facility fixed to a structure other than a building, such as light standards, utility poles and bridges.

**National Wetland Inventory:** an inventory that was developed by the U.S. Fish and Wildlife Service, which used aerial photography to map wetlands across the nation.

**Native vegetation:** plant species which are indigenous to the area.

**Natural resource lands:** lands designated on the official Skagit County Comprehensive Plan/Zoning Map as Agricultural, Industrial Forest, Secondary Forest, Mineral Overlay, and Rural Resource, which have long-term commercial significance.

**Natural resources training/research facility:** a facility dedicated to training and/or research that is directly related to a natural resource, a natural resource operation, or a natural resource industry. Natural resources consist of soil (including minerals), water, animals, plants and air.

**Natural watercourse:** any stream in existence prior to settlement that originated from a natural source. An example of a natural watercourse is a stream that originates in the foothills, flows through agricultural and/or urban land, and empties into a salt water bay or another watercourse.

**Naturally occurring location:** the location of those channels, swales, and pre-existing and established systems as defined by the first documented topographic contours existing for the subject property. The location shall be determined from maps, photographs, site inspections, decisions of a court of law, or other means determined appropriate by the Director of Public Works. This definition of "naturally occurring location" shall apply only to Chapter 14.32 SCC.

**New construction:** structures for which the start of construction commenced on or after the effective date of the ordinance codified in this Title.

**Nonconformance or nonconforming:** any use, improvement or structure established in conformance with Skagit County rules and regulations in effect at the time of establishment that no longer conforms to the range of uses permitted in the site's current zone or to the current development standards of the Code due to changes in the Code or its application to the subject property.

**Non-forestry use:** an active use of land that is incompatible with timber growing.

**Non-soil dependent:** any use which is included in the definition of agriculture, but which is not dependent on the use of native, indigenous soil or which does not allow continued and future use of the soil for growing crops.

**Nuisance:** all violations of land use ordinances, statutes and regulations contained in this Code are hereby declared to be detrimental to the public health, safety and welfare and as such shall constitute nuisances.

**Nursery:** land used for the storage, cultivation, or transplanting of live trees, shrubs, or plants offered for sale on or off the premises including products used for gardening or landscaping. Wholesale nurseries do not have associated sales buildings, while retail nurseries may have associated sales buildings.

**Official controls:** legislatively defined and enacted policies, standards, precise detailed maps and other criteria, all of which control the physical development of a county or any part thereof or any detail thereof. Such official controls may include but are not limited to ordinances establishing zoning, subdivision control, platting, and adoption of detailed maps.

**Official signs:** are directional and other signs or notices erected and maintained by public offices or agencies pursuant to, and in accordance with, city, County, State or Federal law for the purpose of carrying out an official duty or responsibility.

**Off-premises sign:** a sign advertising a business or product not located on the premises where it is produced or sold.

**Off-road vehicle use areas and trails:** designated areas and trails for off-road vehicles to serve more than immediate family living on the site.

**Off-site drainage analysis:** a study of those land areas contributing surface runoff to a development site as well as a study of the existing and predicted impacts of surface runoff from the development site on properties and drainage features that have the potential to receive stormwater from the development site.

**Off-site mitigation:** to replace critical areas, critical area buffers or their functions or values away from the site on which the critical area or buffer has been adversely impacted by a regulated activity.

**Ongoing agriculture:** the continuation of any existing agricultural activity on Agricultural—Natural Resource lands or Rural Resource—Natural Resource lands, including crop rotations; provided, however, that for lands in RRc-NRL that are subject to the provisions of SCC 14.24.120, any property owner who applies for and receives CaRD approval under SCC 14.18.300 through 14.18.330 shall, at the time of CaRD approval, automatically be subject to the buffer requirements of SCC 14.24.530 and shall no longer be subject to the provisions of SCC 14.24.120. Activities undertaken for the first time after May 13, 1996, the date Skagit County adopted Ordinance 16156, the Critical Areas Ordinance, do not constitute “ongoing agriculture”; provided, that any lands that were fallow on May 13, 1996, but had been in agricultural production within 5 years prior to May 13, 1996, shall be considered “ongoing agriculture” for purposes of this definition.

**On-site compensation:** to replace critical areas at the site on which a critical area has been impacted by a regulated activity.

**Open space:** any land area, the preservation of which in its present use would conserve and enhance natural or scenic resources; or protect streams or water supplies; or promote conservation of soils, wetlands, beaches or tidal marshes; or enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, sanctuaries or other open space; or enhance recreation opportunities; or preserve historic sites. Public open space is publicly owned land that has been or will be set aside for open space and recreational use. Private open space is privately owned land that has been or will be set aside by operation of the Critical Areas Ordinance, by voluntary conservation, or by land reserve easements. Current use open space taxation program includes properties utilized for agriculture, timber, and open space uses as provided in Chapter 84.24 RCW.

**Open space in a Conservation and Reserve Development (CaRD):** an open space area which in the case of a CaRD meets the specific requirements of SCC 14.18.310. There are several different CaRD open space types which vary depending on the zoning and characteristics of the site.

**Operation and maintenance of diking and drainage systems:** the clearing of vegetation, the planting and maintenance of sod covering, the use of rock armor, floodwalls, sandbags, and other flood fighting materials to prevent inundation, and the making of necessary repairs to restore existing structures and facilities, such as dikes, levees, ditches, drains, and pump stations within specific areas identified under SCC 14.24.100(9).

**Operation and maintenance manual:** a written manual, prepared by a professional engineer, that provides a description of operation and maintenance procedures for specific stormwater control facilities for use by operation and maintenance personnel.

**Ordinary high water mark (OHWM):** on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, or as it may naturally change thereafter; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

**Outdoor advertising:** all publicly displayed messages such as signs, billboards, placards, pennants or posters, whose purpose is to provide official and commercial information, direction and advertising.

**Outdoor outfitters enterprises (OOE):** are hunting, fishing, bird watching and similar outdoor outfitting enterprises that are allowed as a special use; on natural resource lands OOE must remain incidental to the primary resource use of the land. Outdoor outfitting opportunities may be provided by the land owner or members of his/her immediate family on a trip basis or through direct lease to a hunt club, individual or group or through sublease to a professional outdoor outfitter. For the purposes of this definition, “incidental” shall mean resulting in income and land use that supplements, but does not exceed the primary use of the natural resource land for agricultural or forestry use. No net loss of designated resource land may occur as a result of OOE. These enterprises must comply with specific criteria for special uses outlined in SCC 14.16.900(2)(d). This definition shall not be considered to apply to private hunting and fishing.

**Outdoor recreation facility:** a privately owned, publicly used outdoor facility for recreation, with minimal associated structures and buildings, that relies on the natural environment and which does not involve overnight stays, or include continuous operation of motorized vehicles as an inherent part of the facility’s operation. Examples include public boat launches, U-fish ponds, hot springs, and tennis courts for public use.

**Outdoor working area:** the area outside of any enclosed structures where commercial or industrial activities of a rural business historically, meaning over several successive years, and predominantly, meaning more than just incidental use, have been conducted.

**Out-of-kind compensation:** to replace a critical area (e.g., wetland) with a substitute critical area (e.g., wetland) whose characteristics do not closely approximate those destroyed or degraded by a regulated activity.

**Outpatient medical and health care services:** services offered by or under the direction of a licensed medical or health care practitioner on an outpatient basis (no overnight stays), excluding institutional facilities such as hospitals, skilled nursing facilities, or other long-term care facilities. Examples include but are not limited to: medical, dental, or physical therapy services offered in a clinic setting; outpatient pharmaceutical services in a pharmacy setting; and provision of medical supplies and durable medical equipment by registered providers of such services.

**Overlay zone:** a zoning district which is applied to a given area in addition to an underlying or base zone. Properties within an overlay zone are subject to the requirements of both the underlying zone and the overlay zone.

**Overload tolerance standard:** the percent of total vehicle miles traveled (VMT) on the County road system that is allowed to exist on roads with an unmet improvement need. This is a part of the Birdsall LOS method. (For a detailed discussion of this concept, see Ch. V, Level of Service Standards, in the Transportation System Plan.)

**Owner:** any person, agent, firm or corporation having a legal or equitable interest in the property.

**Owner occupancy:** when a property owner as reflected in title records who makes his or her legal residence at the site as evidenced by filing an affidavit with the Skagit County Auditor’s Office and who resides at the site more than 6 months out of any given year.

**Owner operator/caretaker quarters:** one dwelling unit, accessory to a primary use, for persons who live on premises for the necessary purposes of managing, operating, maintaining, or guarding a primary nonresidential use. Quarters may be occupied by either the owner of the principal use and his/her immediate family, or employees of the owner as well as their immediate family members.

**Park, community:** a park planned to provide indoor and outdoor active and structured recreation opportunities primarily for organized activities and sports, although individual and family activities are also encouraged. Sports fields are often the central focus of the park. The service area is typically a 1- to 2-mile radius in urban areas and can be up to 10 miles in rural areas. Appropriate facilities for community parks are listed in the Skagit County Comprehensive Parks and Recreation Plan.

**Park, recreation open space:** a park defined in the Skagit County Comprehensive Park and Recreation Plan that includes undeveloped land primarily left in its natural condition and used for passive recreation

purposes, creation of separation and seclusion and as buffers between urban uses. This type of land differs from other open space categories whose primary objective is to preserve wildlife habitat or agricultural farmland. Typical recreation open space includes coastal areas, wetlands, steep hillsides, river corridor bluffs, view points or linear areas primarily designed to accommodate trail areas. These parks are designed to offer a greater level of solitude than day use parks.

**Park, regional:** a park defined in the Skagit County Comprehensive Parks and Recreation Plan by large recreation areas that serve the residents of the entire County as well as residents from outside the immediate region. These parks generally exceed 100 acres in size and focus on unique features or facilities. Typically, regional parks provide areas for trail systems, picnicking, boating, fishing, swimming, environmental education, camping and hiking.

**Park, specialized recreation area:** miscellaneous public recreation areas or land occupied by a specialized recreation facility as defined in the Skagit County Comprehensive Parks and Recreation Plan. These parks are generally focused around small or special interest landscaped areas, shoreline access sites, community gardens, single purpose sites used for sport fields, or sites occupied by recreation buildings such as community or senior centers.

**Park and ride:** a designated parking facility specifically intended for use by public transportation and ridesharing patrons.

**Park model trailer:** a type of recreational vehicle that is primarily designed to provide temporary living quarters for recreational, camping or seasonal use that is built on a single chassis mounted on wheels, has a gross trailer area not exceeding 400 square feet (13.75 square meters) in set-up mode and is certified by the manufacturer as complying with ANSI A119.5.

**Parking space, off-street:** an area adequate for parking vehicles, located totally outside of any street or alley right-of-way.

**Party of record:** any person who has testified at a hearing or has submitted a written statement related to a development action and who provides the County with a complete address, or a person who has formally requested to receive information via a written statement with a complete mailing address.

**Peak discharge:** the maximum surface water runoff rate determined for the design storm.

**Perennial stream:** are waters that do not go dry any time of a year of normal rainfall.

**Performance standards:** criteria or limits related to critical area protection for a particular use or activity. Performance standards refer to the degree of allowed hazard, environmental damage, nuisance from smoke, dust, noise, glare, odor, erosion and sediment, runoff, liquid, solid, or airborne wastes, fumes or traffic or reduction in environmental functions and values resulting from a permitted land use activity.

**Permanent stormwater quality control plan (PSQCP):** a plan which includes permanent BMPs for the control of pollution from stormwater runoff after construction and/or land disturbing activity has been completed.

**Permit Center:** the prior name of Skagit County Planning and Development Services used prior to January 1, 2005.

**Permitted use:** any use authorized or permitted alone or in conjunction with another use in a specified zone and subject to the limitations of the regulations of such zone.

**Person:** an individual, corporation, partnership, association, or other legal entity.

**Personal wireless services and personal wireless service facilities:** shall be defined in the same manner as in 47 U.S.C. 332(c)(7)(c), and as they may be amended.

**Planned capacity:** a measure of roadway traffic capacity based on safety and multimodal roadway use. Employed in the Birdsall method, it takes into consideration the paved width of the roadway and shoulders. Planned capacity is often much lower than the actual physical traffic capacity used in Highway Capacity Manual LOS methods.

**Planning Agency:** Skagit County Planning and Development Services.

**Planning Commission:** the Skagit County Planning Commission.

**Planning Department:** Skagit County Planning and Development Services.

**Pollution:** contamination or other alteration of the physical, chemical, or biological properties of waters of the State. Pollution includes, but is not limited to, change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the State as will or is likely to create a nuisance or render such waters harmful.

**Pond:** a naturally or artificially created body of deep (generally greater than 6.6 feet) open water, under 20 acres, that persists throughout the year and meets the definitional criteria for a deepwater habitat. Farm ponds are excluded from this definition.

**Porosity:** (1) the ratio, usually expressed as a percentage, of the total volume of voids of a given porous medium to the total volume of the porous medium; (2) the volume percentage of the total bulk not occupied by solid particles.

**Potable water:** water which meets the quality standards for human drinking purposes.

**Potentiometric surface:** an imaginary surface representing the static head of groundwater and defined by the level to which water will rise in a tightly cased well.

**Pre-development conditions:** site conditions as they existed prior to manmade alterations other than those alterations that have been made with a prior Skagit County approved stormwater drainage plan, or alterations that existed prior to the effective date of the ordinance codified in this Title.

**Pre-school:** a school for children which is attended prior to kindergarten.

**Primary association:** the fundamental link between a species and land or aquatic area where anadromous fish, endangered, threatened or sensitive species breed or feed.

**Primary or principal building or use:** that structure or use for which a property is primarily used, that may be either permitted outright or through a special use process.

**Primary surface:** a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of the runway; for military runways or when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway along its length.

**Private road:** a road located within a tract or easement which is owned by a corporation, homeowners association, or held in common interest.

**Professional engineer:** a person who is qualified to practice civil engineering as attested by the engineer's legal registration as a professional engineer in the State of Washington.

**Professional land surveyor:** a person who is qualified to practice land surveying as attested by the surveyor's legal registration as a professional land surveyor in the State of Washington.

**Project:** a proposal for development.

**Project area:** that portion of contiguous ownership, included in a site plan, that is the subject of a development proposal.

**Project concurrency review:** a system of reviewing specific development projects to ensure that development permits are issued only after it is demonstrated that the levels of service on concurrency facilities and services will not be degraded below the adopted level of service standards for these facilities and services. This system involves an application filed by the permit applicant, a concurrency determination for facilities and service made by the concurrency facility and service provider and a final concurrency decision made by the project permit decision maker.

**Project engineer:** the professional engineer responsible for the design of the project, who will affix his/her seal on project plans and drainage analyses. The project engineer shall be licensed in the State of Washington and qualified by experience or examination.

**Project occupancy:** the time when a development project is ready to be occupied and will use concurrency facilities and services. It shall be assumed that the entire proposed development will be occupied upon issuance of the initial occupancy permit for the project.

**Propagation map:** a map that shows signal strength and/or other engineering evidence from the proposed site in relation to existing and other proposed cell sites.

**Protected critical area (PCA):** those critical areas and associated buffers located on a proposed project or activity site that have been identified and designated as PCAs through the critical areas site assessment and review process. PCAs shall be put into separate tracts, easements, or open space designation, all with protective covenants, as part of a development proposal involving a land division (i.e., short subdivision, long subdivision, PUD, binding site plan, or other form of multiple-lot land division). In the case of development proposed on pre-existing lots where no division of land is involved, PCAs shall be identified on site plans and protected by conditions of approval. PCAs shall be clearly shown on the face of recorded plats and site plans and shall be recorded with the County Auditor. PCAs can be included in the total acreage for development and may be used in lot area calculations.

**Provider:** any entity or individual that provides personal wireless services over personal wireless service facilities.

**Public facilities, impact fees:** for the purpose of determining impact fees, facilities including all components of the facilities system owned or operated by the County or a district or the facilities and improvements included in the County's or district's capital budget and/or Capital Facilities Plan.

**Public gardens:** ornamental display gardens or produce farms open to the public.

**Public hearing:** hearing at which evidence is presented and testimony is taken.

**Public services:** include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

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

**Public uses, major:** public facilities that include 3,000 or more square feet of gross floor area or that utilize 3 or more full-time employees.

**Public uses, minor:** less intensive public facilities that include less than 3,000 square feet of gross floor area and that utilize 2 or fewer full-time employees.

**Qualified professional:** a person with experience and training in the applicable field or critical area. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geology or related field, and 2 years of related work experience.

- (1) A qualified professional for watercourses, wetlands, and wildlife habitat conservation areas must have a degree in biology or related field and relevant professional experience in functional assessment and mitigation techniques.
- (2) A qualified professional for preparing geotechnical reports and geotechnical design recommendations must be a professional geologist or geotechnical engineer, licensed in the State of Washington.
- (3) A qualified professional for critical aquifer recharge areas must be a hydrogeologist or professional engineer, licensed in the State of Washington, who is trained and qualified to analyze geologic, hydrologic, and groundwater flow systems.

**Race track:** a designated course designed to provide competitive racing for motor vehicles, motorcycles, bicycles, animals, etc.

**Race track, indoor:** a course or facility designed to provide for use or racing of motor vehicles, motorcycles, bicycles, animals, etc., and located inside a fully enclosed structure.

**Race track, recreation:** a race track which serves more than the people residing on site, does not include facilities for spectators, and is meant to serve the local area only.

**Race track, regional:** a race track which provides facilities for spectators and which serves the regional area.

**Reasonable alternatives:** in determining what is a "reasonable alternative" for a proposed development, alteration or activity, the Department may consider the purpose, effectiveness, engineering feasibility,

commercial availability of technology, best management practices, safety and cost of the alternative action or proposal. Reasonable alternatives are those that are capable of being carried out, taking into consideration the overall project purposes, needs and objectives.

**Receiving water:** means Puget Sound, tidally influenced areas of rivers and streams discharging into Puget Sound where streambank or shoreline erosion will not occur or those rivers, streams, lakes, marine waters, estuaries, wetlands or other bodies of water having been identified as a regional stormwater facility, Water Resource Inventory Area or receiving basin as approved to accept stormwater from a control facility.

**Recreational vehicle:** means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**Redevelopment:** any land disturbing activity occurring on existing developed property.

**Redivision:** any new land division within a lot of an existing land division.

**Regional equestrian events center:** a facility designed for spectator-oriented equestrian activities serving the region or State. May consist of: a multi-use events center containing an equestrian arena, spectator seating, offices and meeting rooms, concession/kitchen area, and related restroom and parking facilities; a lighted outdoor covered arena including protected area for spectators and equestrian tacking activities; barns to provide temporary stabling during equestrian events; and an equestrian cross-country course and trails utilizing the site's natural terrain.

**Regulated wetland:** a wetland area and associated buffers which would be or have been determined through a site assessment to be subject to the provisions of this Code.

**Remediation:** the cleanup and restoration of groundwater to some acceptable level.

**Repetitive loss structure:** a National Flood Insurance Program (NFIP)-insured structure that has had at least 2 paid flood losses of more than \$1,000 each in any 10-year period since 1978.

**Request for investigation:** is the written statement filed as described in SCC 14.44.010.

**Requirements (water quality):** a set of predetermined distances (setbacks), design criteria and materials, and other groundwater protection measures such as disallowing the use of dry wells, etc.

**Residential lot:** designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon for residential use.

**Residential structure:** all structures serving or designed as a dwelling unit, residence or for occupation by residents.

**Resource agency personnel:** representatives from State, Federal, local or tribal natural resource agencies having jurisdiction over critical areas, including, but not limited to, the Washington Departments of Ecology, Fish and Wildlife, and Natural Resources; the United States Army Corps of Engineers and Department of Fish and Wildlife; and Federally recognized Indian tribes.

**Resource management system conservation plan (RMS plan):** is a plan that has been prepared in consultation with the Skagit Conservation District or the Natural Resources Conservation Service (NRCS), may or may not include enrollment in the conservation reserve enhancement program (CREP), and includes conservation practices and resource management objectives that meet the NRCS Field Office Technical Guide minimum resource protection standards of Section 4 thereof and quality criteria of Section 3 thereof for each natural resource (soil, water, animals, plants and air).

**Restoration:** measures taken to restore an altered or damaged natural feature including:

- (1) Active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and
- (2) Actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events.

**Retention facilities:** drainage facilities designed to store runoff for gradual release by evaporation, plant transpiration, or infiltration into the soil. Retention facilities shall include all such drainage facilities designed so that none of the runoff entering the facility will be discharged as surface water. Retention facilities shall include all appurtenances associated with their designed function, maintenance, and security.

**Rezone:** a change in zone classification from one zoning district to another.

**Right-of-way:** a strip of land dedicated for use as a public way.

**Riparian area:** areas adjacent to aquatic systems that contain elements of both aquatic and terrestrial ecosystems that mutually influence each other. Widths shall be measured from the ordinary high water mark or from the top of bank if the ordinary high water mark cannot be identified. Riparian habitat areas include those riparian areas severely altered or damaged due to human development activities.

**Road system concurrency:** concurrency related to the entire County road system rather than individual road segments or individual road intersections. This concept is used in the Birdsall method.

**Rural Center:** small-scale commercial clusters or individual uses at selected locations in the unincorporated portion of the County. They are smaller in size and intensity than Rural Villages.

**Rural character:** refers to the patterns of land use and development established by a county in the rural element of its Comprehensive Plan:

- (1) In which open space, the natural landscape, and vegetation predominate over the built environment;
- (2) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- (3) That provide visual landscapes that are traditionally found in rural areas and communities;
- (4) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- (5) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- (6) That generally do not require the extension of urban government services; and
- (7) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

**Rural development:** refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

**Rural government services or rural services:** include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

**Rural Village:** predominantly residential unincorporated rural communities or centers supported by limited commercial and compatible industrial, and community services which typically include a post office, church, elementary school, fire hall, grocery store, service station, tavern, restaurant, or other small retail business catering to local rural needs. Compact development within designated boundaries distinguishes a village from surrounding undeveloped land.

**SCC:** the Skagit County Code.

**Screening:** fencing, earth berming, trees and other vegetation.

**Seasonal roadside stand:** small retail establishment accessory to an actively managed, ongoing agricultural operation dedicated exclusively to the sale of agricultural products and agricultural promotional items. A majority of the agricultural products must be grown on-site or be a product of the primary agricultural operation located in Skagit County. All agricultural promotional products shall be directly related to the agricultural operation and located solely within the stand. Signage is allowed per SCC 14.16.820.

**Seasonal worker housing:** no more than 10 manufactured homes grouped together to provide temporary housing for seasonal workers. The homes may be occupied no longer than the growing season.

**Seismic hazard areas:** those areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction or surface faulting.

**SEPA:** the Washington State Environmental Policy Act.

**Septic, community:** a sewage disposal system which provides a collection network and disposal system for more than 1 single-family residence. See Chapter 12.05 SCC, On-Site Sewage Code, for regulatory jurisdiction.

**Setback:** a line generally parallel with and measured from the lot line, street or road right-of-way, easement or driven surface (whichever is most restrictive) defining the limits of an area in which no above-ground buildings, structures or junk may be located. Setbacks do not apply to fences 6 feet or less in height, retaining walls 4 feet or less in height, or paved areas.

**Setback, front:** a setback extending across the full width of the lot, at the required depth, which shall be measured at right angles from the front lot line to a line parallel thereto on the lot. Lots having more than 1 front lot line, as on corner and through lots, shall meet the required front setback for the front lot line that contains the dedicated access; all other front lot lines shall have a setback of 20 feet.

**Setback, rear:** a setback extending across the full width of the lot, at the required depth, which shall be measured at right angles from the rear lot line to a line parallel thereto on the lot.

**Setback, side:** a setback extending along the full length of any side property line, at the required depth, which shall be measured at right angles from the lot lines to a line parallel thereto on the lot.

**Sewers, public:** a State-approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

**Shooting club:** activity or use of land or a facility for the purposes of discharging firearms in any organized fashion, such as a club or group, as opposed to an individual periodic discharge of a firearm.

**Shorelines of the State:** the total of all shorelines and Shorelines of State-wide Significance within the State as defined in RCW 90.58.030, also known as the Shoreline Management Act.

**Short-term visitor accommodations:** the following accommodation units shall be considered as short-term master planned resort (MPR) visitor accommodations:

- (1) Hotel, motel, lodge or inn units;
- (2) Time-share and fractionally owned units;
- (3) Recreational vehicle sites;
- (4) Tent camping sites within an established campground;
- (5) Cabins and cottages;
- (6) Yurts; and
- (7) Vacation and second homes, unless its/their occupant(s) are either (a) registered to vote at such unit's resort address, or (b) receive its/their Skagit County annual property tax assessment for such unit at such unit's address, in which case such unit shall be considered a permanent residence for all purposes under this Title.

**Sign:** any display of letters, figures, designs, devices, pictures, logos, emblems, insignia, numbers, lines or colors or any combination thereof, visible to the public for the purpose of making anything known or attracting attention. The flag, emblem, insignia, poster or other display of a nation, political unit, educational, charitable, religious or similar group, campaign, nonprofit drive or event or the architectural features or characteristics of a building which do not have an advertising message on, or as an integral part, thereof shall not be included within the meaning of this definition. Signs only visible within the structure shall not be included within this definition.

**Sign, roof:** a sign erected upon, against, or directly above a roof or on top of or above the parapet of a building; signs on mansard roofs shall be considered wall signs.

**Site assessment:** a site-specific analysis which identifies the presence of critical areas, classifies and designates the critical areas, documents site conditions, analyzes impacts (including long-term impacts) due to short-term or ongoing disturbances, and identifies appropriate mitigation measures. Site assessments include wetland reports, hydrogeologic reports, geotechnical reports and habitat management plans.

**Site development activity:** the alteration of topography, clearing, paving, grading, construction, alteration of stormwater and drainage systems, site preparation, or other activity commonly associated with site development. Site development activity and/or permit includes those activities listed in SCC 14.32.040(1).

**Site plan:** scale drawing which shows the areas and locations of all buildings, streets, roads, improvements, easements, utilities, open spaces and other principal development features for a specific parcel of property.

**Site visit:** a preliminary on-site inspection of an area where an activity has been proposed in order to determine the likelihood that critical area indicators are present. (See "Site assessment.")

**Six-Year Transportation Improvement Program (6-Year TIP):** a plan or schedule showing specific expenditures for transportation capital projects over a 6-year period.

**Skagit County Road Standards:** the standards adopted by the Board of County Commissioners for all County roads.

**Skagit County Stormwater Manual:** the Stormwater Management Manual for the Puget Sound Basin or subsequent manuals adopted by Ecology as herein adopted by reference by Skagit County.

**Small development:** any new development or redevelopment activity that includes:

- (1) The creation or addition of less than 5,000 square feet of new impervious surface area;
- (2) Land disturbing activity of less than 1 acre; and
- (3) Grading involving the movement of less than 500 cubic yards of material.

**Small Development Erosion and Sediment Control Plan (ESC Plan):** a plan for small development that implements temporary BMPs to control pollution generated during the construction phase only, primarily erosion and sediment.

**Soil dependent:** any use that is included in the definition of agriculture which is dependent on the use of native, indigenous soil and which allows continued and future use of the soil for growing crops.

**Soil Survey of Skagit County:** the most recent U.S. Department of Agriculture Comprehensive Soil Survey of Skagit County. The survey provides detailed soils information useful for wetland detection, including information on soil hydrology and a series of maps using aerial photography.

**Soils engineer:** a practicing engineer licensed as a professional engineer in the State of Washington who has at least 4 years of professional employment as an engineer dealing with soil descriptions and characterizations.

**Soils investigation report:** a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils investigation report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

**Sole source aquifer:** an area so designated by the Environmental Protection Agency pursuant to the Federal Safe Drinking Water Act.

**Solid waste:** all putrescible and non-putrescible solid and semi-solid waste including garbage, ashes and sludge, industrial wastes, swill, demolition and construction wastes, and any other discarded materials.

**Source control BMP:** a best management practice (BMP) that is intended to prevent pollutants from entering stormwater. Examples include, but are not limited to, erosion control practices, maintenance of stormwater and drainage facilities, constructing roofs over storage and working areas, and directing wash water and similar discharges to the sanitary sewer or a dead-end sump.

**Special flood hazard area (SFHA):** an area having special flood, mudflow, or flood-related erosion hazards, and shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map as Zone A, AO, A1-A30, AH, V, or V1-V30. Specific zones are defined as follows:

- (1) Zone A. The lowest floor elevation is required and the base flood elevations (BFEs) are not provided.
- (2) Zone A1-A30. The lowest floor elevation is required and the BFEs are provided.
- (3) Zone AH. Shallow water depths (ponding) and/or unpredictable flow paths between 1 and 3 feet occur. BFEs are provided.
- (4) Zone AO. Shallow water paths (sheet flow) and/or unpredictable flow paths between 1 and 3 feet occur. BFEs are not provided. Base flood depths may be provided.
- (5) Zone V. An area that is inundated by tidal floods with velocity (coastal high hazard area). BFEs are not provided.
- (6) Zone V1-V30. Identical to V Zone, but BFEs are provided.

**Special flood risk zone:** an area within the 100-year floodplain, lying between the landward toe of the dikes and levees along the Skagit River and a line 500 feet landward thereof.

**Species, endangered:** any fish or wildlife species that is threatened with extinction throughout all or a significant portion of its range and is listed by the state or federal government as an endangered species.

**Species, local importance:** those species of local concern due to their population status or their sensitivity to habitat manipulation, or that are game species.

**Species, priority:** any fish or wildlife species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels as classified by the Washington Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate and monitor species, and those of recreational, commercial, or tribal importance.

**Species, threatened:** any fish or wildlife species that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the State or Federal government as a threatened species.

**Sprawl:** the inappropriate conversion of undeveloped land into sprawling low-density development.

**Stabilized:** the application of BMPs or other approved mitigation plan sufficient to protect soil from the erosive forces of raindrop impact and flowing water. Examples include, but are not limited to, vegetative establishment, mulching, plastic covering, the early application of gravel base, and outlet and channel protection.

**Stables and riding clubs:** a facility designed for equestrian activities and events, including boarding, breeding and training facilities. May offer occasional spectator events but is intended primarily for routine daily equestrian activities.

**Stakeholders:** persons or groups who will be directly affected by the actions of a committee.

**Standards, groundwater:** standards established by EPA regulations and/or State of Washington regulations, which are represented by health-based numbers such as the maximum contaminant levels (MCL).

**Start of construction:** includes substantial improvement, and the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start is the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**State:** the State of Washington.

**Steep slopes:** slopes which meet the criteria listed in Chapter 14.24 SCC.

**Stormwater:** the surface water runoff that results from all natural forms of precipitation.

**Stormwater Design Manual:** the Stormwater Management Manual for the Puget Sound Basin or a subsequent manual adopted by Ecology.

**Stormwater facility:** a component of a manmade drainage feature or features designed or constructed to perform a particular function or multiple functions. These include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, wetponds, constructed wetlands, infiltration devices, catch basins, and sediment basins. Stormwater facilities shall not include building gutters, downspouts, and drains serving 1 single-family residence.

**Stormwater quality control:** the control of the introduction of pollutants into stormwater and the process of separating pollutants from stormwater. Stormwater quality control facilities include, but are not limited to, source controls, biofiltration/biofilter facilities, wetponds, wetland forebays, constructed wetlands, and erosion and sedimentation control facilities.

**Stormwater quantity control:** the control of the rate and/or volume of stormwater released from a development site. Stormwater quantity control facilities include, but are not limited to, detention and retention facilities.

**Streambank stabilization to protect designated agricultural lands:** shall include, but not be limited to, log and debris removal, bank protection (including riprap, jetties, and groins), gravel removal and erosion control consistent with RCW 75.20.103.

**Stream type maps:** a map displaying the Department of Natural Resources classification system developed for waters of the State as part of the State's forest practices regulations. This classification system generally categorizes waters of the State according to domestic use, use by substantial numbers of anadromous or resident game fish, and significance for the protection of downstream water quality. The system is described in WAC 222-16-030.

**Street or road:** a public or private thoroughfare which provides the principal access to abutting properties. Specific street designations are outlined in the Skagit County road standards.

**Street, minor access:** a cul-de-sac, dead-end street or loop street as defined herein.

**Structure:** that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner excluding fences under 6 feet in height.

**Subdivision:** a short or long subdivision.

**Subdivision, final:** is the final drawing of the subdivision and dedication prepared for filing for record with the County Auditor and containing all elements of requirements set forth in this Title.

**Subdivision, long:** the division of land into 5 or more lots, tracts, parcels, sites, or divisions, for the purpose of sale, lease, or development, and shall include the resubdivision of land.

**Subdivision, preliminary:** is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this Title. The preliminary subdivision shall be the basis for the approval or disapproval of the general layout of the subdivision.

**Subdivision, short:** the division of land into 4 or fewer lots, tracts, parcels, or sites for the purpose of sale, lease, or development.

**Sub-flood control zones:** those legally established zones within the County where the County supervises flood control projects and drainage projects that are of special benefit to specified areas of the County, as authorized by Chapter 86.15 RCW.

**Subject property:** the tract of land which is the subject of the permit and/or approval action, as defined by the full legal description of all parcels involved in the proposed development.

**Substantial improvement:** any rehabilitation, addition, or other improvement of a building when the cost of the improvement equals or exceeds 50% of the market value of the building before start of construction of the improvement. The term includes buildings which have incurred substantial damage or damage of any origin sustained by a building when the cost of restoring the building to its pre-damaged condition would equal or exceed 50% of the market value before the damage occurred. Substantial improvement does not include any project for improvement of a building to correct existing violations of State or local health,

sanitary or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

**Surface water:** waters that flow over the land surface and frequently interact with groundwater.

**Surficial geology:** the geology of surficial deposit including soils, Quaternary sediments, and/or glacial deposits; the term is sometimes applied to the study of bedrock at or near the earth's surface. Surficial deposits are the earth materials most affecting people in that they influence the nature and severity of such natural hazards as landslides and earthquake-induced ground failure and determine the volume, yield and quality of many groundwater supply systems.

**Technical deviation:** permission granted by the Administrative Official to deviate from the provisions of the Stormwater Design Manual (when technical analysis can support it).

**Technical service provider:** is an individual, nonprofit organization, private entity or public agency that has been certified or "conditionally certified" by the Natural Resources Conservation Service to provide technical assistance on behalf of the United States Department of Agriculture in conservation planning and the design, layout and checkout of approved conservation practices.

**Technical staff:** a staff person employed by Skagit County who has earned a bachelor's degree with specific or related course work in natural resources, geomorphology, geology, physical geography, biology, applied ecology, botany, wetland and/or stream ecology, fisheries, wildlife, hydrology or soils science from an accredited college or university and who has 2 years of related professional experience or an equivalent combination of education and experience.

**Temporary:** as the term relates to pre-manufactured or site-built structures, means occupied and existing on a lot for no more than 180 days during any 12-month period unless otherwise stipulated through official approval.

**Temporary asphalt/concrete batching:** the mixing of asphalt or concrete from the raw ingredients for a discrete project in the vicinity of the batching operation. For the purposes of this definition, "temporary" shall mean no longer than 1 year.

**Temporary events:** commercial use of a property for any musical, cultural, or social event held either indoors or out of doors.

**Temporary manufactured home:** the temporary placement of 1 manufactured home on a parcel with an existing residence to accommodate the housing needs of disabled or elderly family members or to house 1 farm worker and his/her immediate family. Documentation of the need for nearby care or that the nature of the employee's work requires said employee to be immediately available to the job site is required by a doctor and/or physician or by the farm owner/operator. This second temporary dwelling unit must be removed from the property when the family member or farm employee is no longer using the manufactured home.

**Tideland:** the land on the shore of marine water bodies between ordinary high water or near high water and the line of extreme low tide which is submerged daily by tides.

**Timber:** forest trees standing or down of a commercial species, including Christmas trees.

**Timber land:** any parcel of land that is 5 or more acres or multiple parcels of land that are contiguous and total 5 or more acres which is devoted primarily to the growth and harvest of forest crops for commercial purposes. A timber management plan shall be filed with the County legislative authority at the time an application is made for classification as timber land pursuant to this Title, or when a sale or transfer of timber land occurs and a notice of classification continuance is signed.

**Tower:** any structure that is designed and constructed primarily for the purpose of supporting 1 or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities towers, microwave towers, common-carrier towers, cellular telephone towers, personal communications services towers, alternative tower structures, and the like.

**Tower site:** a tower site is a portion of a larger parcel that may be utilized for other principal uses. A tower site may mean a parcel of land smaller than the minimum lot size required in the zoning district

completely contained within a lot meeting the requirements of the zoning district for the purposes of locating a communication tower.

**Trailheads, primary:** a staging area provided for trail access including trail orientation and information and that provides the necessary unloading features. Primary trailheads should have restrooms and trash receptacles.

**Trailheads, secondary:** trail access points having limited development. Supporting features might include a small unpaved parking area and signage.

**Transit station:** a dedicated transit facility located outside of the public right-of-way where several transit routes converge. A transit station is designed to accommodate several buses at once, and may include passenger shelters and waiting areas.

**Treated:** water quality treatment in accordance with current adopted Skagit County standards.

**TSM strategies:** may include increased public facility service, ride-sharing programs, demand management, and other transportation systems management techniques.

**Unclassified use:** major, regional facilities with potentially significant built and natural environmental impacts on the surrounding area. Unclassified uses are typically major facilities with a presence which may impact or alter the character of the community. They include most of the more intensive uses considered to be essential public facilities in RCW 36.70A.200.

**Unlicensed/inoperable vehicle:** an unlicensed or inoperable vehicle, except a farm vehicle, or any vehicle stored in a legally constructed building.

**Urban governmental services:** include those governmental services historically and typically delivered by cities, and include storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with non-urban areas.

**Urban growth:** refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

**Urban growth areas:** means those areas designated by a county pursuant to RCW 36.70A.110.

**Urban services:** see definition for "Urban governmental services" above.

**Use:** the specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

**Utilities:** include, but are not necessarily limited to, facilities and services that generate, transport, process, or store water, sewage, solid waste, electrical energy, communications and pipelines for fuel, oil, natural gas, and petroleum products.

**Variance:** a grant of relief from the requirements of this Code which permits construction in a manner that would otherwise be prohibited by this Code.

**V-ditching:** is the practice of cutting ditches into a field after the crop has been harvested in the fall where necessary to drain surface and groundwater from the field during the winter months. This practice is necessary to allow sufficient time in the spring for the fields to dry out before planting and to prevent the inundation of over-wintering crops. V-ditches are then plowed under when the field is planted in the spring.

**Volcanic hazard areas:** those areas subject to pyroclastic flows, lava flows, debris avalanches, and inundation by debris flows, mudflows, lahars or related flooding resulting from volcanic activity.

**Voluntary agreement:** an agreement between a developer and the County or district as authorized by RCW 82.02.020.

**Vulnerability:** the degree to which groundwater may become contaminated depending on the local hydrologic characteristics and amounts of potential groundwater contaminant present.

**Water dependent:** a water-dependent structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

**Water quality design storm event:** the water quality design storm used for the design of water quality treatment facilities shall be the 6-month frequency, 24-hour duration storm event. In that the precipitation data from isopluvial maps is not available for the 6-month frequency, 24-hour duration storm event, the design engineer can use 64% of the 2-year, 24-hour precipitation as equivalent to the 6-month, 24-hour precipitation.

**Water quality sensitive area:** areas where changes in water quality are of particular concern to the natural environment or human health. These include, but are not limited to, lakes groundwater management areas, groundwater special protection areas, sole source aquifers, critical aquifer recharge areas, wellhead protection areas, closed depressions, fish spawning and rearing habitat, wildlife habitat, and shellfish protection areas.

**Water quality standards violation:** is a violation of the standards in SCC 14.24.120(3)(a)(i) through (iii).

**Water quantity sensitive areas:** areas which are sensitive to surface water discharge. These include, but are not limited to, areas that are sensitive to flooding and areas that are suspected or known landslide hazards.

**Watercourse:** shall include all natural watercourses, modified natural watercourses and artificial watercourses, as defined by this Section.

**Watercourse protection measure violation:** is a violation of the required watercourse protection measures for ongoing agriculture in SCC 14.24.120(4).

**Watershed:** a geographic region within which water drains into a particular river, stream or body of water.

**Wellhead protection area:** the surface and subsurface recharge area through which contaminants are likely to pass and eventually reach the point or points of withdrawal for a well(s), wellfield(s) or surface water that supplies a public water system, for which a wellhead protection program is required pursuant to Chapter 246-290 WAC.

**Wetland or wetlands:** areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. For the purposes of this Title, those portions of a lake that meet the definitional criteria for "wetland" shall be regulated under the wetland section of this Title. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.

**Wetland delineation:** mapping wetlands and establishing a wetland edge or boundary in accordance with the manual adopted under RCW 36.70A.175 pursuant to RCW 90.58.380.

**Wetpond:** a stormwater basin that is intended to maintain a permanent pool of water sized in accordance with current County standards.

**Zero lot line:** a lot line where no side setback is required. Generally, an access and maintenance easement or common wall agreement are required with zero lot line development.

**Zone and zoning district:** a legislatively defined and enacted policy, including standards, a detailed map and other criteria, all of which control and define areas of physical development of the County or any part thereof or any detail thereof and which are classified by the zoning ordinance as available for certain uses and unavailable for certain other uses.

**Zoning Code:** see Chapter 14.16 SCC. (Ord. O20080014 (part); Ord. O20080012 (part); Ord. O20080009 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. O20070002 (part); Ord. O20060007 Exh. D § 1; Ord. O20050009 (part); Ord. O20050007 § 12; Ord. O20050003 (part); Ord. O20030021 (part); Ord. O20030020 (part); Ord. O20030014 (part); Ord. O20020011 (part); Ord. O20020010 (part); Ord. O20020003 (part); Ord. 18375 § 7, 2001; Ord. 18069 Appx. A (part), 2000; Ord. 17938 Attch. F (part), 2000)