

Chapter 14.38

RIGHT-TO-MANAGE NATURAL RESOURCE LANDS

Sections:

- 14.38.010 Policy and purposes.**
- 14.38.020 Nuisance.**
- 14.38.030 Disclosure.**

14.38.010 Policy and purposes.

- (1) Policies.
 - (a) It is the declared policy of this County to enhance and encourage Natural Resource Land management within the County. It is the further intent of this County to provide to the residents of this County proper notification of the County's recognition and support through this Chapter of those persons and/or entities' right-to-manage Natural Resource Lands.
 - (b) State planning goals encourage the conservation of productive Natural Resource Lands and discourage incompatible uses. This goal can be fulfilled by assuring that the use of lands adjacent to Natural Resource Lands do not interfere with the continued use, in the accustomed manner, for the production of food and agricultural products, timber, and extraction of minerals.
- (2) Purposes.
 - (a) Where non-Natural Resource Land uses extend into natural resource areas or exist side-by-side, natural resource management operations are frequently the subjects of nuisance complaints and on occasion have been forced to cease or curtail operations. Such nuisance complaints discourage investments in Natural Resource Land improvements to the detriment of adjacent Natural Resource Land uses and the economic viability of the County's Natural Resource Land industry as a whole. It is the purpose and intent of this Chapter to reduce the loss to the County of its Natural Resource Lands by limiting and defining the circumstances under which Natural Resource Lands management operations may be considered a nuisance. This Chapter is not to be construed as in any way modifying or abridging County, State or Federal laws; rather it is only to be utilized in the interpretation and enforcement of the provisions of this Code and County regulations.
 - (b) An additional purpose of this Chapter is to promote a good neighbor policy between Natural Resource Lands and non-Natural Resource Land property owners by advising purchasers and users of property adjacent to or near Natural Resource Land management operations of the inherent potential problems associated with such purchase or residence, including, but not limited to, the use of chemicals; or from spraying, pruning, harvesting, or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise, odor and the hours of operation that may accompany Natural Resource Land management operations. It is intended that through mandatory disclosures purchasers and users will better understand the impact of living near Natural Resource Lands and be prepared to accept attendant conditions as the natural result of living in or near Natural Resource Lands and rural areas.
 - (c) An additional purpose of this Chapter is to provide notice, through a disclosure statement, of the potential incompatibilities, inconveniences and discomforts that may arise from Natural Resource Land management activities. (Ord. 17938 Attch. F (part), 2000)

14.38.020 Nuisance.

No land-based Natural Resource Lands management activity, operation, facility or appurtenances thereof, shall be or become a nuisance as defined in Chapter 14.04 SCC, regardless of past or future changes in the surrounding area's land use or zoning designation, when conducted or maintained for commercial purposes, and in a manner consistent with current best management practices, not superseding local, State or Federal regulations and involving uses allowed under the Agriculture Natural Resource Land (Ag-NRL), Industrial Forest Natural Resource Land (IF-NRL), Secondary Forest Natural Resource Land (SF-NRL), Rural Resource Natural Resource Land (RRc-NRL), or Mineral Resource Overlay (MRO-NRL) districts as set forth in SCC 14.16.400, 14.16.410, 14.16.420, 14.16.430, and 14.16.440, respectively. (Ord. 17938 Attch. F (part), 2000)

14.38.030 Disclosure.

- (1) The statement set forth in Subsection (2) of this Section (“disclosure”) shall be used under the following circumstances and in the following manners:
 - (a) Skagit County shall mail a copy of the disclosure, with an explanatory informational attachment to all landowners whose parcel(s) lie within an area or within 500 feet of an area designated as a Natural Resource Land in Skagit County beginning in the year 1999 and every 3 years thereafter; provided that no liability shall attach to Skagit County for any actions or omissions under this Subsection.
 - (b) Upon transfer of real property by sale, exchange, gift, real estate contract, lease with an option to purchase, any other option to purchase, ground lease coupled with improvements, or any other means, the seller shall be required to record with the County Auditor a statement containing the language set forth in Subsection (2) of this Section in conjunction with the deed conveying the real property; provided, however, that the real property is located within 1 mile of the Agriculture Natural Resource Land (Ag-NRL), or 1/4 mile of Industrial Forest Natural Resource Land (IF-NRL), Secondary Forest Natural Resource Land (SF-NRL), or Rural Resource Natural Resource Land (RRc-NRL), or Mineral Resource Overlay (MRO-NRL) districts, as set forth in SCC 14.16.400, 14.16.410, 14.16.420, 14.16.430, and 14.16.440, respectively.
- (2) The following shall constitute the disclosure required by this Section:

This disclosure applies to parcels designated or within 1 mile of designated agricultural land or designated or within 1/4 mile of rural resource, forest or mineral resource lands of long-term commercial significance in Skagit County. A variety of Natural Resource Land commercial activities occur or may occur in the area that may not be compatible with non-resource uses and may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals; or from spraying, pruning, harvesting or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise, and odor. Skagit County has established natural resource management operations as a priority use on designated Natural Resource Lands, and area residents should be prepared to accept such incompatibilities, inconveniences or discomfort from normal, necessary Natural Resource Land operations when performed in compliance with Best Management Practices and local, State, and Federal law.

In the case of mineral lands, application might be made for mining-related activities including extraction, washing, crushing, stockpiling, blasting, transporting and recycling of minerals. If you are adjacent to designated NR Lands, you will have setback requirements from designated NR Lands. (Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)