

**Skagit County Code Amendment Proposals
2009 Update
[Phase I, for PC Deliberations September 1, 2009]**

14.04 Definitions

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).~~

Development: construction or exterior alteration of structures, dredging, drilling, dumping, filling, earth movement, clearing or removal of vegetation (except activities meeting the definition of forest practices), ~~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, other than internal logging roads, which either requires a permit, approval or authorization from the County or is proposed by a public agency ~~other than internal logging roads.~~

Dwelling unit, efficiency: a dwelling unit having a total floor area of not less than 220 square feet. ~~and contain a separate closet.~~ The unit shall contain a separate closet; kitchen facilities including a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front; ~~and~~ ~~The unit shall also contain~~ a separate bathroom including a toilet, water closet, ~~sink, lavatory,~~ and bathtub and/or shower.

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. Living quarters for unrelated, handicapped individuals protected under the Federal Fair Housing Amendments Act and RCW 35A.63.240 shall not be considered a group care facility.

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

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

1 **Remodel:** To renew, renovate or make over a part of an existing building for the purpose of its
2 appearance or layout. Remodel may include repair or relocation of interior walls but does not include
3 repair, replacement or relocation of any of the exterior floors, walls or roof.

4
5 **Repair:** The reconstruction of a part of an existing building for the purpose of its maintenance or as a
6 result of damage. Repair may include replacement of individual components of an assembly, such as
7 components of a wall or a roof, but does not include replacement of the entire assembly. Where repair is
8 required to more than 75% of the assembly, the assembly is considered to be replaced.

9
10 **Replacement:** To put something new in place of something existing as a substitute, such as a building or
11 structure, or part of a building or structure. When the value or extent of the work proposed, as determined
12 by the Department, exceeds 75% of the pre-construction value or extent of the building, structure or
13 assembly, the building, structure or assembly is deemed to be completely replaced.

14
15 **Riparian area:** ~~areas adjacent to aquatic systems~~ areas adjacent to rivers and streams that contain elements of both aquatic
16 and terrestrial ecosystems that mutually influence each other. Widths shall be measured from the ordinary
17 high water mark or from the top of bank if the ordinary high water mark cannot be identified. Riparian
18 habitat areas include those riparian areas severely altered or damaged due to human development
19 activities.

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

28
29 **Setback:** a line generally parallel with and measured from the lot line, existing or planned street or road
30 right-of-way, easement or driven surface (whichever is most restrictive) defining the limits of an area in
31 which no above-ground buildings, structures or junk may be located. Setbacks do not apply to fences 6
32 feet or less in height, retaining walls 4 feet or less in height, landscaping, free-standing signs, or paved
33 areas.

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36 **Temporary:** as the term relates to pre-manufactured or site-built structures, and recreational vehicles
37 (including park model trailers), means occupied and existing on a lot for no more than 180 days during
38 any 12-month period unless otherwise stipulated through official approval.

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43 ~~Utilities~~ **Utility Development:** includes, but ~~isare~~ ~~not necessarily~~ limited to, facilities and services that
44 generate, transport, process, or store water, sewage, solid waste, electrical energy, communications and
45 pipelines for fuel, oil, natural gas, and petroleum products. A utility development is one of the following
46 types:

47
48 (1) Minor utility development: an unmanned utility development designed to serve a small local
49 community that would be considered a normal utility service for the area.

50 (2) Major utility development: a utility development that does not meet the definition of minor utility
51 development or major regional utility development.

1 (3) Major regional utility development: a utility development that meets the definition of an essential
2 public facility, including, but not limited to power generation facilities, solid waste handling facilities, and
3 regional wastewater treatment facilities. Major regional utility developments require unclassified use
4 permits.
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11 **14.06 Permit Procedures**

12 **14.06.030 Foundation of project review.**

- 13 (1) Fundamental land use planning choices made in adopted Comprehensive Plans and development
14 regulations shall serve as the foundation for development permit review. Development permit
15 review shall not be used for comprehensive planning purposes. Development permits shall be
16 reviewed for consistency, conformity and compliance with applicable adopted plans and
17 development ~~regulations~~relations.
- 18 (2) During development permit review, the County shall not re-examine alternatives to or hear appeals
19 from fundamental land use planning choices made in the Comprehensive Plan or adopted
20 development ~~regulations~~relations, except for issues of plan or code interpretation. If during
21 development permit review deficiencies are identified in the Comprehensive Plan or in
22 development regulations, development permit review shall continue under existing plans and
23 regulations and any identified deficiencies shall be docketed for consideration on at least an annual
24 basis, consistent with the provisions of Chapter 14.08 SCC. (Ord. 17938 Attch. F (part), 2000)

25 **14.06.050 Application Level.**

- 26 (1) Applications for development permits shall be categorized as 1 of 4 levels as follows; provided, that
27 shoreline applications shall be processed as described in the Skagit County Shoreline Management
28 Master Program:
- 29 (a) Level I. Level I applications are those applications for which a final decision is made by the
30 applicable Administrative Staff, either the Director of Public Works or his/her designee, or the
31 Director of Planning and Development Services or his/her designee, without a public hearing.
32 That decision may then be appealed in an open record appeal hearing to the Hearing Examiner.
33 The Hearing Examiner decision may then be appealed in a closed record appeal to the Board.
34 Level I applications include:
- 35 (i) – (iii) No change.
- 36 (iv) Preliminary ~~L~~long subdivisions of fewer than 9 lots, tracts or parcels unless a
37 public hearing has been requested pursuant to SCC 14.06.110(15), in which case they
38 shall be processed as a Level ~~III~~HE decision, the same as preliminary long
39 subdivisions of between 9 and 50 lots, and provided that the additional notice procedures
40 of SCC 14.06.110(15) for this administrative long subdivision must be met. RCW
41 58.17.095 provides statutory authority for the administrative long development permits
42 subdivision process.
- 43 (v) - (x) No change.
- 44 (xi) Administrative interpretations initiated by the County or another party regarding
45 any existing permits or and land use approvals prior to its issuance or any issued or
46 approved permit or land use approval that did not originally require a public hearing.
- 47 (xii) – (xiv) No change.
- 48 ~~(xv) Notice and orders to abate.~~
- 49 ~~(xvi)~~(xv) Other actions authorized by SCC Title 14.

1 (b) Level II. Level II applications are those applications that require an open record pre-decision
2 hearing level before the Hearing Examiner and for which the Hearing Examiner decision is final,
3 unless that decision is appealed to the Board in a closed record appeal. Level II applications
4 include:

5 (i) - (iii) No change.

6 (iv) Request from the County or another party owner to review or interpret a previously issued
7 land use permit or land use approval that required a public hearing by any County entity or
8 Board, including, but not limited to, conditional uses, special uses and variances for the
9 purpose of considering possible revocation, suspension, clarification or modification.

10 (v)- (viii) No change.

11 (c) No change.

12 ~~Level III. Level III applications are those applications that require an open record pre-decision~~
13 ~~hearing before the Hearing Examiner ("Level III HE") or before the Planning Commission~~
14 ~~("Level III PC"), and for which the Hearing Examiner or Planning Commission action is only a~~
15 ~~recommendation. The Board of County Commissioners shall make the final decision after a~~
16 ~~closed record hearing on the Level III HE actions. The Hearing Examiner shall make the final~~
17 ~~decision after a closed record hearing on Level III PC actions.~~

18 ~~(i) Level III HE.~~

19 ~~(A) Board of County Commissioners' variances pursuant to SCC 14.10.020(2) and~~
20 ~~14.16.860, Agricultural land preservation.~~

21 ~~(B) Review of preliminary long subdivisions containing more than 50 lots, tracts or parcels~~
22 ~~on contiguous land under the same ownership pursuant to Chapter 14.18 SCC.~~

23 ~~(C) Review of binding site plans that contain more than 50 lots, tracts, parcels or units~~
24 ~~pursuant to Chapter 14.18 SCC.~~

25 ~~(D) Recommendations on development agreements of more than 50 lots or residential~~
26 ~~dwelling units or more than 50,000 square feet of commercial or industrial building~~
27 ~~space.~~

28 ~~(E)(B) Other recommendations as requested by the Board.~~

29 ~~(ii) Level III PC.~~

30 ~~(A) Review of preliminary long subdivisions containing more than 50 lots, tracts or parcels~~
31 ~~on contiguous land under the same ownership pursuant to Chapter 14.18 SCC.~~

32 ~~(B) Review of binding site plans that contain more than 50 lots, tracts, parcels or units~~
33 ~~pursuant to Chapter 14.18 SCC.~~

34 ~~(C) Recommendations on development agreements of more than 50 lots or residential~~
35 ~~dwelling units or more than 50,000 square feet of commercial or industrial building~~
36 ~~space.~~

37 ~~(A)(D) Other recommendations as requested by the Hearing Examiner.~~

38 (d) Level IV. Level IV applications are those development permit applications that do not require a
39 public hearing, but require a final decision by the Board of County Commissioners Hearing
40 Examiner. Level IV applications include: final long subdivisions pursuant to Chapter 14.18
41 SCC. (Ord. O20070009 (part); Ord. O20050007 § 16; Ord. 17938 Attch. F (part), 2000)

42 **14.06.060 Consolidation of development permit applications.**

43 The County shall consolidate the development application approval process, unless the applicant requests
44 otherwise, and review in order to integrate the development permit and environmental review process and
45 avoid duplication of the review processes. Consolidated permit processing shall follow the review and
46 approval process of the highest numbered permit level represented among the required permits. Level
47 ~~IVIII-PC~~ is considered the highest and Level I is considered the lowest. However, the applicant may
48 determine whether the multiple permit applications shall be processed concurrently or independently,
49 except that a variance associated with a preliminary land division shall be processed concurrently with the
50 proposed land division. A consolidated hearing will result if the applicant does not make a request. For

1 applications that are processed individually, the highest numbered permit level shall be acted upon prior
2 to the processing of the lower numbered permit level, unless the higher numbered permit level is
3 dependent on first obtaining a favorable administrative interpretation (Level I), in which case the Level I
4 decision must either be processed concurrently, or must be processed first; provided, however, that the
5 administration of County road standard alternatives under the Road Standards Manual shall not require
6 consolidation, unless required by the Director of Planning and Development Services pursuant to Section
7 2.10 of the Road Standards Manual. (Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

8 **14.06.110 Level I review procedures..**

9 (1) – (14) No change.

10 (15) Administrative long subdivisions of fewer than 9 lots, tracts or parcels shall further comply with the
11 following notice and comment provisions:

12 (a) - (e) No change.

13 (f) If any person files a request for a hearing with the County within 21 days of the publishing of
14 such notice, a public hearing on the proposed subdivision shall be held (and the subdivision
15 shall therefore be processed as a Level III-HE application). ~~if any person files a request for a~~
16 ~~hearing with the County within 21 days of the publishing of such notice.~~

17 (g) No change.

18 **14.06.150 Public notice requirements.**

19 (1) No change.

20 (2) Notice of Development Application Requirements.

21 (a) No change.

22 ~~Exemption. A Notice of Development Application pursuant to this Section shall not be required~~
23 ~~for:~~

24 ~~(i) – (iv) No change.~~

25 ~~(v) Forest practice conversions.~~

26 ~~(vi) Conversion option harvest plans.~~

27 (b) – (c) No change.

28 (d) Notice of Development Application shall be made as follows:

29 (i) - (ii) No change.

30 (iii) Mailed to all physical addresses and owners of record located within 300 feet of all
31 subject property lines, or, if the applicant owns property adjacent to the subject property, notice
32 shall be given to all physical addresses and all owners of real property within 300 feet of any
33 portion of the boundaries of such adjacent properties owned by the applicant. Further provided,
34 however, when the Administrative Official finds that a need exists, and so informs the applicant
35 at the preapplication meeting, notice shall be given to all physical addresses and all owners of
36 real property within 500 feet of any portion of the applicable boundaries.

37 (iv) - (v) No change.

38 (e) No change.

39 (3) - (4) No change.

40 **14.06.160 Open record public hearings procedures.**

41 (1) - (7) No change.

42 (8) As described in SCC ~~14.02.070~~~~14.06.240~~ and ~~14.02.080~~~~14.06.250~~, the Hearing Examiner or the
43 Planning Commission may adopt other rules of procedure not inconsistent with these procedures.
44 Further, if deemed appropriate to facilitate review of a particular development permit, the Hearing
45 Examiner or the Planning Commission may adopt specific procedures for an individual matter.

46 (9) No change.

1 **14.06.230 Stay of proceedings.**

2 (1) Except for administrative appeals of SEPA threshold determinations, an An administrative appeal
3 stays all processing of the underlying action or development permit proceedings in furtherance of the
4 action appealed from, unless the Administrative Official certifies to the hearing body after the Notice
5 of Appeal is filed with him or her that, by reason of facts stated in the certificate, a stay would, in his
6 or her opinion, cause imminent peril to life and/or property. In such case, proceedings shall not be
7 stayed other than by direction of a court of competent jurisdiction.

8 (2) No change.
9

10 **14.08 Legislative Actions**

11 **14.08.060 Initiation of review of development regulations/amendments to SCC Title 14.**

12 New development regulations or amendments to development regulations may be initiated at any time by
13 a recommendation from the Department to the Board. ~~Within 15 days from the Board's~~ After receipt of
14 ~~the Department's a recommendation from the Department on one (1) or more proposed development~~
15 regulations or amendments, the Board shall, in a public meeting, consider the Department
16 recommendation on the proposed regulation(s) or amendment(s) and decide whether to initiate review of
17 the proposed regulation(s) or amendment(s). If the Board decides to initiate review of the proposed
18 regulation(s) or amendment(s), it shall refer the same to the Planning Commission for review, consistent
19 with the provisions of SCC 14.08.0830 through 14.08.10090. A decision by the Board to initiate the
20 regulation(s) or amendment(s) review process at this stage is procedural only and does not constitute a
21 decision by the Board as to whether the regulation or amendment will ultimately be approved. (Ord.
22 17938 Attch. F (part), 2000)
23

24 **14.10 Variances**

25 **14.10.010 Purpose.**

26 Variances from the terms of this Title may be authorized in specific cases that will not be contrary to
27 the public interest, and where, due to special conditions, literal enforcement of the provisions of this Code
28 would result in unnecessary hardship. Generally, variances shall only be considered for dimensional
29 standards, unless otherwise specified in this Title. Under no circumstances shall a variance be granted
30 that allows a use not permissible under the terms of this Chapter in the district involved, or any use
31 expressly or by implication prohibited by the terms of this Chapter in the district. (Ord. 17938 Attch. F
32 (part), 2000)

33 **14.10.020 Types of variances.**

34 Variances shall generally be 1 of 3 types:

35 (1) Administrative Variances. The following variances shall be processed as a Level I administrative
36 decision pursuant to the provisions of Chapter 14.06 SCC by the respective department indicated:

37 (a) - (e) No change.

38 (f) Variances to standard critical area buffer widths (25%-50%) pursuant to SCC 14.24.140(1)(a)
39 shall be decided administratively by Planning and Development Services.

40 (2) No change.

41 (3) Hearing Examiner Variances. All other requests for variances to any of the allowed provisions of this
42 Title shall be processed as a Level II Hearing Examiner Decision pursuant to the requirements of
43 Chapter 14.06 SCC (Permit Procedures). Appeal of the Hearing Examiner Decision may be made to
44 the Board of County Commissioners as described in Chapter 14.06 SCC; provided, that shoreline
45 variances shall follow the procedures of the Skagit County Shoreline Management Master Program,
46 as may be amended. (Ord. O20080009 (part); Ord. O20070009 (part); Ord. 18375 § 6, 2001; Ord.
47 17938 Attch. F (part), 2000)
48

1
2 **14.12 SEPA**

3 **14.12.220 Notice/statute of limitations.**

- 4 (1) No change.
5 (2) The form of the notice shall ~~be~~ substantially in the form provided in WAC 197-11-990. The
6 County Auditor, applicant or proponent pursuant to RCW 43.21C.080 shall publish the notice. (Ord.
7 17938 Attch. F (part), 2000)

8
9 **14.14 Development Agreements**

10 **14.14.020 Development agreements—Basic requirements.**

- 11 (1) Discretion to Enter Development Agreement. A development agreement may or may not be entered is
12 an optional device that may be used at the sole discretion of the County. Discretion rests with the
13 County in all cases, including when a development agreement is required per SCC.
14 (2) – (5) No change.

15 **14.14.040 Procedures.**

- 16 (1) - (2) No change.
17 (3) ~~A Development agreements for a development of more than 51 lots or residential dwelling units or~~
18 ~~more than 50,000 square feet of commercial or industrial building shall be processed as a Level III-~~
19 ~~PC application. Development agreements smaller than these thresholds shall be processed as a Level~~
20 ~~III-HE application, pursuant to the requirements of Chapter 14.06 SCC, Permit Procedures.~~
21 (4) - (5) No change.
22 (6) The Board of County Commissioners has final approval or denial authority for ~~may, in its sole~~
23 ~~discretion, approve the development agreements.~~
24 (7) No change.

25
26 **14.16 Zoning**

27
28 *[Note to Code Publishing: amend maximum height provisions and exemptions in the following zoning districts,*
29 *also number as appropriate]*

- 30 **14.16.100 Rural Village Commercial (RVC).**
31 **14.16.110 Rural Center (RC).**
32 **14.16.120 Rural Freeway Service (RFS).**
33 **14.16.150 Rural Business (RB).**
34 **14.16.195 Urban Reserve Commercial-Industrial (URC-I).**
35 **14.16.300 Rural Intermediate (RI).**
36 **14.16.310 Rural Village Residential (RVR).**
37 **14.16.320 Rural Reserve (RRv).**
38 **14.16.330 Residential District (R).**
39 **14.16.370 Urban Reserve Residential (URR).**
40 **14.16.380 Hamilton Residential (HR).**
41 **14.16.385 Hamilton Urban Reserve (H-URv).**
42 **14.16.400 Agricultural—Natural Resource Lands (Ag-NRL).**
43 **14.16.410 Industrial Forest—Natural Resource Lands (IF-NRL).**
44 **14.16.420 Secondary Forest—Natural Resource Lands (SF-NRL).**
45 **14.16.430 Rural Resource—Natural Resource Lands (RRc-NRL).**
46 **14.16.450 Urban Reserve Public-Open Space (URP-OS).**
47 **14.16.500 Public Open Space of Regional/Statewide Importance (OSRSI).**

1 **Amend existing height provisions as necessary to read as follows:**

2 Maximum height: 40 feet.

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

5
6 *[Note to Code Publishing: amend maximum height provisions and exemptions in the following zoning districts,*
7 *also number as appropriate]*

8 **14.16.130 Small Scale Recreation and Tourism (SRT).**

9 **14.16.140 Small Scale Business (SSB).**

10 **14.16.160 Natural Resource Industrial (NRI).**

11 **14.16.170 Rural Marine Industrial (RMI).**

12 **14.16.175 Hamilton Industrial (H-I).**

13 **Amend existing height provisions as necessary to read as follows:**

14 Maximum height: 50 feet.

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

17
18 *[Note to Code Publishing: amend maximum height provisions and exemptions in the following zoning districts,*
19 *also number as appropriate]*

20 **14.16.155 Bayview Ridge Community Center (BR-CC).**

21 **14.16.180 Bayview Ridge Light Industrial (BR-LI).**

22 **14.16.190 Bayview Ridge Heavy Industrial (BR-HI).**

23 **Amend existing height provisions as necessary to read as follows:**

24 Maximum height: 50 feet or shall conform to the applicable Federal Aviation Administration regulations
25 concerning height restrictions pursuant to the Airport Environs Overlay, SCC 14.16.210, whichever is
26 less.

- 27 (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and fire towers
28 are exempt from the maximum height, but shall conform to the applicable Federal Aviation
29 Administration regulations. The height of personal wireless services towers are regulated in SCC
30 14.16.720.

31 **Amend maximum height provisions in the following zoning districts:**

32 **14.16.340 Bayview Ridge Residential (BR-R).**

33 **14.16.350 Bayview Ridge Urban Reserve (BR-URv).**

34 **Amend existing height provisions as necessary to read as follows:**

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

- 38 (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and fire towers
39 are exempt from the maximum height, but shall conform to the applicable Federal Aviation
40 Administration regulations. The height of personal wireless services towers are regulated in SCC
41 14.16.720.

42 *[Note to code publishing: amendments to height requirements repeated in zoning districts listed below]*

43 **14.16.020 Scope.**

44 (1) - (2) No change.

45 (3) Interpretation of Uses. Only those uses listed within a given zoning district shall be allowed,
46 provided that an allowance for a substantially similar use may be granted. However, in no instance

1 shall a use specifically identified in any zoning district be allowed in another zoning district where
2 that use is not specifically listed. When a use is not specifically listed in this Chapter, it shall be
3 understood that the use may be allowed if it is determined by the Administrative Official that the use
4 is similar to other uses listed. It is further recognized that not every conceivable use can be identified.
5 In anticipation that new uses will evolve over time, this Section establishes the Administrative
6 Official's authority to compare a proposed use and measure it against those listed in this Chapter for
7 determining similarity. In determining similarity, the Administrative Official shall make all of the
8 following findings:
9 (a) – (d) No change.

10 **14.16.100 Rural Village Commercial (RVC).**

11 (1) Purpose. The Rural Village Commercial zoning districts are located within each Rural Village
12 identified in the Comprehensive Plan. This zoning district provides an activity center where rural
13 residents and others can gather, work, shop, entertain and reside. This district is intended to provide
14 for a range of commercial uses and services to meet the everyday needs of rural residents and natural
15 resource industries, to provide employment opportunities for residents of the rural area, and to
16 provide goods, services, and lodging for travelers and tourists to the area. Requirements specific to
17 individual community plans may be incorporated in this section.

18 (2) Permitted Uses. The following uses that primarily serve the needs of the surrounding rural
19 population, visitors to the rural area, or natural resource industrial uses in the rural area:

20 (a) ~~Art galleries and studios~~ *[note to code publisher: please renumber remainder of section as appropriate]*

21 (b)- (u) No change.

22 (v) In the Rural Village Commercial zone in Alger, the permitted uses shall be limited to the
23 following:

24 (i) Caretaker quarters or owner/operator dwelling unit accessory to primary use;

25 (ii) Community club/grange hall;

26 (iii) Continuation of existing residential uses;

27 (iv) Historic sites open to the public;

28 (v) Loft living quarters above commercial uses, up to four units provided gross floor area is
29 no more than 75% of the primary use gross floor area. The size of each unit shall meet, at
30 a minimum, the definition of efficiency dwelling unit;

31 (vi) Minor public uses;

32 (vii) Natural resource support services, including office uses and wholesale, retail and service
33 businesses serving local natural resource industries, including nurseries and greenhouses,
34 and sales, storage, parts and repair of equipment and supplies for natural resource
35 industries;

36 (viii) Overnight lodging and related services for visitors to the rural area;

37 (ix) Small retail and service businesses, including, but not limited to:

38 day-use kennels.

39 family day care provider.

40 gas stations.

41 laundromat.

42 mini-storage.

43 outpatient medical and health care services.

44 preschools.

45 restaurants.

46 seasonal roadside stands under 300 square feet.

47 small animal clinic/hospital.

48 tasting rooms.

49 (3) No change.

50 (4) Hearing Examiner Special Uses.

- 1 (a) - (i) No change.
- 2 (j) In the Rural Village Commercial zone in Alger, the Hearing Examiner Special Uses shall be
- 3 limited to the following:
- 4 (i) Adult group care facility.
- 5 (ii) Churches.
- 6 (iii) Indoor shooting clubs.
- 7 (iv) Major public uses and expansions of existing major public uses, 3,000 square feet and
- 8 greater.
- 9 (v) Major utility developments.

10 (5) Dimensional Standards.

- 11 (a) Setbacks.
- 12 (i) Front: 15 feet.
- 13 In the Rural Village Commercial zone in Alger adjacent to Old Highway 99 and north of
- 14 Alger Cain Lake Road, the following applies:
- 15 Front setbacks are 5 feet for those RVC properties where the right-of-way is approximately
- 16 100 feet wide provided there is an approved agreement for frontage improvements on Old
- 17 Highway 99 consistent with the Village Concept Plan in the Alger Community Plan. The
- 18 agreement must be signed by Skagit County and shall include provisions for, at a minimum:
- 19 Landscaping, stormwater management, pathways, driveways, and maintenance.
- 20 (ii) - (iv) No change.
- 21 (b) No change.
- 22 (c) Maximum height: ~~40~~30 feet ~~or shall conform to the Skagit County Building Code.~~
- 23 (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and fire
- 24 towers are exempt. The height of personal wireless services towers are regulated in SCC
- 25 14.16.720.

26 (d) No change.

27 (6) Pedestrian Circulation. Pedestrian walkways shall be provided between parking areas and the uses

28 served by that parking. Pedestrian facilities shall be also provided as specified by an applicable rural

29 village plan. In the Rural Village Commercial zone in Alger, pedestrian and bike pathways at least 5

30 feet wide shall be required along the street frontage and between parking areas and the uses they

31 serve. Pathways may be surfaced with crushed rock, except for those portions covered by

32 handicapped accessibility requirements. Pathways shall include lighting that is full cut-off shielded

33 and directed so that light does not migrate off site. Lighting shall be pedestrian scale, with masts no

34 higher than 12 feet and directed to sidewalks, paths, and parking areas.

35 (7) Building and Site Design: In the Rural Village Commercial zone in Alger, new structures shall be

36 compatible with the design of one or more of the existing historic structures, including the old

37 Grange Hall, the Alger Improvement Association Community Hall, and the Alger Bar and Grill.

38 Parking areas shall be located to the side or rear of buildings.

39 ~~(8)~~(7)—Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and

40 the rest of the Skagit County Code. (Ord. O20080012 (part); Ord. O20080004 (part); Ord.

41 O20070009 (part); Ord. O20050003 (part); Ord. 17938 Attch. F (part), 2000)

42 **14.16.110 Rural Center (RC).**

- 43 (1) No change.
- 44 (2) Permitted Uses. The following uses that primarily serve the needs of the surrounding rural population
- 45 and visitors to the rural area in areas which are distant from Rural Village Commercial districts and
- 46 other commercial centers:
- 47 (a) Bed and breakfast; *[note to code publisher: please punctuate all uses in this section with (.)]*
- 48 (b) Community club/grange hall;
- 49 (c) Family day care provider;
- 50 (d) Gas stations;

- 1 (e) Historic sites open to the public;
- 2 (f) Kennel, day-use;
- 3 (g) Loft living quarters;
- 4 ~~(h) Laundromat; [note to code publisher: please renumber remainder of section as appropriate]~~
- 5 (i) Mini-storage;
- 6 (j) Minor public uses;
- 7 (k) Owner operator/caretaker quarters accessory to the primary commercial use;
- 8 (l) Pre-schools;
- 9 (m) Retail and wholesale nurseries/greenhouses;
- 10 (n) Small retail and service businesses, including restaurants; ~~and~~
- 11 (o) Outpatient medical and health care services.
- 12 (3) – (4) No change.
- 13 (5) Dimensional Standards.
- 14 (a) - (b) No change.
- 15 (c) Maximum height: 40 feet ~~Shall conform to the Skagit County Building Code.~~
- 16 (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and fire towers
- 17 are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.
- 18 (d) No change.
- 19 (6) No change.

20 **14.16.120 Rural Freeway Service (RFS).**

- 21 (1) – (4) No change.
- 22 (5) Dimensional Standards.
- 23 (a) Setbacks.
- 24 (i) No change.
- 25 (ii) Side and rear: 35 feet. Where parking is located on side or rear ~~in front~~ of structure, 55 feet.
- 26 (iii) No change.
- 27 (b) Size Limitations.
- 28 (i) - (ii) No change.
- 29 (iii) Overnight lodging facilities shall not exceed 35 units and shall not exceed 12,000 square
- 30 feet of gross floor area per parcel including any related commercial services. Operators may
- 31 not allow any person to occupy overnight lodging on the premises for more than 4 months
- 32 in any year. ~~Storage or other noncommercial uses that are accessory to a permitted use up to~~
- 33 ~~a total of 1,500 square feet per parcel shall also be permitted.~~
- 34 (iv) Storage or other noncommercial uses that are accessory to a permitted use up to a total of
- 35 1,500 square feet per parcel shall also be permitted.
- 36 (c) ~~40 feet~~ ~~Shall conform to the Skagit County Building Code.~~
- 37 (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and fire
- 38 towers are exempt. The height of personal wireless services towers are regulated in SCC
- 39 14.16.720.
- 40 (d) No change.
- 41 (6) No change.

42 **14.16.150 Rural Business (RB).**

- 43 (1) No change.
- 44 (2) Permitted Uses.
- 45 (a) No change.
- 46 (b) Subject to an administrative decision, a change of use from the existing use to a use which is
- 47 substantially similar to the existing use in terms of the type of commercial activity performed. A
- 48 substantially similar use shall continue the same basic operational characteristics as the existing
- 49 use shall fall within the same broad use category as the existing use (retail, service, restaurant, or

1 ~~manufacturing), shall be of no greater intensity, density, or generate no greater environmental or~~
2 ~~traffic impact than shall generate equal or less traffic as the existing use, and shall continue the~~
3 ~~same basic operational characteristics as the existing use (for example, a change of use from a~~
4 ~~convenience store to a gas station would not be permitted, but a change from a convenience store~~
5 ~~to a video store would).~~

6 (c) A use designated Rural Business may be expanded provided, ~~subject to the following: that any~~
7 ~~Expansion is limited to a maximum of 50% of the gross floor area existing, as of June 1, 1997,~~
8 ~~building footprint provided that the total expansion does not exceed a total of or 1,500 square~~
9 ~~feet whichever is less, of additional gross floor area and/or 50% of the existing outdoor working~~
10 ~~area. The total maximum floor area square footage of allowable expansion shall be~~
11 ~~determined on a one-time basis, based on the gross floor area dedicated to the Rural Business of~~
12 ~~use as of June 1, 1997. The expansion, as well as all associated development including but not~~
13 ~~limited to parking areas, driveways, septic systems, wells, and landscaping, must occur on the~~
14 ~~same lot upon which the existing use is located.~~

15 (d) Outdoor working areas may be expanded by a maximum of 50%, provided that any expansion
16 must occur on the same lot as the existing outdoor working area. The area of allowed expansion
17 shall be determined based on the outdoor working area dedicated to the Rural Business use as of
18 June 1, 1997.

19 ~~(e)(d)~~ Owner operator/caretaker quarters as accessory to a business use.

20 (3) No change.

21 (4) Hearing Examiner Special Uses.

22 (a) - (c) No change.

23 (d) With an approved Hearing Examiner Special Use Permit, a use designated Rural
24 Business which was established prior to July 1, 1990, may be expanded beyond the 1,500
25 square foot limit established in Subsection (2)(c) of this Section; provided, that ~~the~~ the
26 expansion does not exceed 50% of the gross floor area dedicated to the Rural Business use as of
27 July 1, 1990, up to a maximum of 5,000 square feet ~~maximums of that Subsection are met and~~
28 further provided that subsections (i) – (vi) below the following criteria are met: The applicant
29 shall have the burden of proof to demonstrate that the use was established, and to what extent,
30 prior to July 1, 1990. An expansion of 50% is not guaranteed, but instead is a maximum
31 allowance, provided that in no instance shall an expansion greater than 5,000 square feet of
32 gross floor area be allowed. Compliance with the criteria below may dictate a smaller
33 maximum expansion. Expansions greater than 1,500 square feet shall not be allowed if the
34 following criteria cannot be met:

35 (i) The expansion, as well as all associated development including but not limited to parking
36 areas, driveways, septic systems, wells, and landscaping, will occur on the same lot upon
37 which the existing use is located;

38 (ii) - (vi) No change.

39 ~~The applicant shall have the burden of proof in demonstrating that the use was established prior~~
40 ~~to July 1, 1990.~~

41 (e) No change.

42 (5) Dimensional Standards.

43 (a) No change.

44 (b) Maximum height: ~~40~~30 feet or shall conform to the Skagit County Building Code, whichever is
45 less.

46 (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and fire
47 towers are exempt. The height of personal wireless services towers are regulated in SCC
48 14.16.720.

49 (c) No change.

50 (6) No change.

1 **14.16.155 Bayview Ridge Community Center (BR-CC).**

- 2 (1) Purpose. The Bayview Ridge Community Center zoning district is located in the Bayview Ridge
3 Urban Growth Area. This zoning district provides a community center where employees, residents
4 and others can obtain and utilize public and private services and facilities such as a community
5 meeting building, fire station, police precinct office, public open space, schools, recreation and
6 parkland. This district is intended to be pedestrian-oriented and provide for public and private uses
7 and services to meet the everyday needs of employees and residents of the area.
8 (2) – (4) No change
9 (5) Dimensional Standards.
10 (a) Setbacks.
11 (i) Front: 25 feet.
12 (ii) Side: 8 feet.
13 (iii) Rear: 25 feet.
14 (b) Maximum Size Limits. Commercial and public buildings not to exceed 15,000 square feet of
15 gross building area.
16 (c) ~~(i) —~~ Maximum height: 50 feet or consistent with the adopted building code of Skagit County
17 ~~and shall conform to the applicable Federal Aviation Administration regulations concerning~~
18 ~~height restrictions pursuant to the Airport Environs Overlay, SCC 14.16.210, whichever is less.~~
19 (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and fire
20 towers are exempt from the maximum height, but shall conform to the applicable Federal
21 Aviation Administration regulations. The height of personal wireless services towers are
22 regulated in SCC 14.16.720.
23 (d)(ii) — Maximum lot coverage: none.
24 (6) No change.
25 (7) Infrastructure Requirements. This zone is part of the Bayview Ridge Urban Growth Area (UGA).
26 Development must comply with the UGA infrastructure requirements in SCC 14.16.215 Bayview
27 Ridge Urban Growth Area and with Chapter 14.28 Concurrency.
28 ~~(8)(7)~~ Additional requirements related to this zone are found in SCC 14.16.210, 14.16.215, 14.16.600
29 through 14.16.900, 14.28, and the rest of Skagit County Code. (Ord. O20080007 (part); Ord.
30 O20080004 (part); Ord. O20070009 (part); Ord. O20060007 Exh. D § 2)

31 **14.16.160 Natural Resource Industrial (NRI).**

- 32 (1) - (2) No change.
33 (3) No change.
34 ~~Accessory Uses. The following uses are an accessory use to a permitted or special use. All accessory~~
35 ~~uses may only be used to serve the on-site primary permitted natural resource industrial use:~~
36 ~~(a) – (e) No change.~~
37 ~~(d) Outdoor storage of materials in quantities equal to or less than 50 cubic yards that may have a~~
38 ~~potential health hazard (for example, animal carcasses). Does not include storage of hazardous~~
39 ~~materials.~~
40 ~~(e) Outdoor storage of processed and unprocessed natural materials in quantities equal to or less~~
41 ~~than 500 cubic yards that do not have a potential health hazard.~~
42 ~~(d) – (h) No change. [note to code publisher: please renumber remainder of section as appropriate]~~
43 (4) Administrative Special Uses.
44 (a) - (d) No change.
45 (e) Personal wireless services towers, subject to SCC 14.16.720.
46 (f)(e) Storage of unlicensed/inoperable vehicles.
47 (g)(f) Temporary events.
48 (h)(g) Trails and primary and secondary trailheads.
49 (5) Hearing Examiner Special Uses.
50 (a) – (e) No change.

1 ~~(f) Personal wireless services towers, subject to SCC 14.16.720.~~

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

3 (6) Dimensional Standards.

4 (a) Front, Side and Rear Setbacks: 50 feet. ~~All uses on the property (except landscaping, open~~
5 ~~space, and driveways without parking) shall be set back a minimum of 50 feet from the property~~
6 ~~boundary, and edges of existing and planned public rights of way.~~

7 (b) - (d) No change.

8 (e) Maximum Height 50 feet. ~~Shall conform to the Skagit County Building Code.~~

9 (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and fire
10 towers are exempt. The height of personal wireless services towers is regulated in SCC
11 14.16.720.

12 (7) - (8) No change.

13 **14.16.170 Rural Marine Industrial (RMI).**

14 (1) - (5) No change.

15 (6) Dimensional Standards.

16 (a) Front, Side and Rear Setbacks from exterior property lines: 50 feet. ~~All uses on the property~~
17 ~~(except structures not requiring a permit, including all signs and fences regardless of height,~~
18 ~~landscaping, open space, and driveways) shall be set back a minimum of 50 feet from the~~
19 ~~exterior property boundary. Internal setbacks from property boundaries within an RMI parcel~~
20 ~~shall be in conformance with applicable provisions of the International Building Codes and Fire~~
21 ~~Code and the Shoreline Management Master Program (SMMP). Parking areas that are existing~~
22 ~~or included in a vested permit application as of April 1, 2002, may remain within the 50 foot~~
23 ~~setback.~~

24 (b) No change.

25 (c) Maximum Height 50 feet.

26 ~~(i) Thirty feet for all structures requiring building permits on parcels without a marina use~~
27 ~~permitted under Subsection (2)(d) of this Section.~~

28 ~~(ii) Sixty feet for all structures requiring building permits for parcels with a marina use~~
29 ~~permitted under Subsection (2)(d) of this Section.~~

30 ~~(i)(iii)~~ (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and
31 fire towers are exempt. The height of personal wireless services towers is regulated in SCC
32 14.16.720.

33 (d) - (f) No change.

34 **14.16.175 Hamilton Industrial (H-I).**

35 (1) No change.

36 (2) No change.

37 (3) Accessory Uses. The following uses are an accessory use to a permitted or special use. All accessory
38 uses may only be used to serve the on-site primary permitted natural resource industrial use:

39 (a) - (c) No change.

40 (d) Outdoor storage of materials in quantities equal to or less than 50 cubic yards that may have a
41 potential health hazard (for example, animal carcasses). Does not include storage of hazardous
42 materials.

43 (e) Outdoor storage of processed and unprocessed natural materials in quantities equal to or less
44 than 500 cubic yards that do not have a potential health hazard.

45 (d) - (h) No change. *[note to code publisher: please renumber remainder of section as appropriate]*

46 (4) Administrative Special Uses.

47 (a) - (d) No change.

48 (e) Personal wireless services towers, subject to SCC 14.16.720.

49 ~~(f)(e)~~ Storage of unlicensed/inoperable vehicles.

- 1 (g)(f) Temporary events.
2 (h)(g) Trails and primary and secondary trailheads.
3 (5) Hearing Examiner Special Uses.
4 (a) – (e) No change.
5 (f) ~~Personal wireless services towers, subject to SCC 14.16.720.~~
6 (f)(g) Stockyards greater than 40 acres.
7 (6) Dimensional Standards.
8 (a) Front, Side and Rear Setbacks: 50 feet. ~~All uses on the property (except landscaping, open~~
9 ~~space, and driveways without parking) shall be set back a minimum of 50 feet from the property~~
10 ~~boundary, and edges of existing and planned public rights of way.~~
11 (i)(b) Special Setbacks. Explosive storage, on-site hazardous waste storage and treatment
12 facilities, and petroleum products and gas bulk storage shall be set back a minimum of 300
13 feet from the property boundary, and edges of existing and planned public rights-of-way.
14 (ii)(d) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
15 (b)(e) Maximum Size Limits. The maximum gross floor area for all buildings, except
16 greenhouses, in an H-I District is 15% of total lot area. Maximum gross floor area for
17 greenhouses shall be 70%, so long as all other requirements of the Skagit County Code are met.
18 (c)(e) Maximum Height 50 feet. ~~Shall conform to the Skagit County Building Code.~~
19 (f) (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and fire
20 towers are exempt. The height of personal wireless services towers is regulated in SCC
21 14.16.720.
22 (7) - (8) No change.

23 **14.16.180 Bayview Ridge Light Industrial (BR-LI).**

- 24 (1) - (5) No change.
25 (6) Dimensional Standards.
26 (a) No change.
27 (b) Maximum height: 50 feet or consistent with the adopted building code of Skagit County and
28 shall conform to the applicable Federal Aviation Administration regulations concerning height
29 restrictions pursuant to the Airport Environs Overlay, SCC 14.16.210, whichever is less.
30 (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and fire
31 towers are exempt from the maximum height, but shall conform to the applicable Federal
32 Aviation Administration regulations. The height of personal wireless services towers are
33 regulated in SCC 14.16.720.
34 (7) - (8) No change.
35 (9) Infrastructure Requirements. This zone is part of the Bayview Ridge Urban Growth Area (UGA).
36 Development must comply with the UGA infrastructure requirements in SCC 14.16.215 Bayview
37 Ridge Urban Growth Area and with Chapter 14.28 Concurrency.
38 (10)(9) Additional requirements related to this zone are found in SCC 14.16.210, , 14.16.215, 14.16.600
39 through 14.16.900, 14.28, and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord.
40 O20080004 (part); Ord. O20070009 (part); Ord. O20060007 Exh. D § 3; Ord. 17938 Attch. F (part),
41 2000)

42 **14.16.190 Bayview Ridge Heavy Industrial (BR-HI).**

- 43 (1) - (6) No change.
44 (7) Dimensional Standards.
45 (a) No change.
46 (b) Maximum height: 50 feet or consistent with the adopted building code of Skagit County and
47 shall conform to the applicable Federal Aviation Administration regulations concerning height
48 restrictions pursuant to the Airport Environs Overlay, SCC 14.16.210, whichever is less.

- 1 (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and fire
 2 towers are exempt from the maximum height, but shall conform to the applicable Federal
 3 Aviation Administration regulations. The height of personal wireless services towers are
 4 regulated in SCC 14.16.720.
 5 (8) No change.
 6 (9) Infrastructure Requirements. This zone is part of the Bayview Ridge Urban Growth Area (UGA).
 7 Development must comply with the UGA infrastructure requirements in SCC 14.16.215 Bayview
 8 Ridge Urban Growth Area and with Chapter 14.28 Concurrency.
 9 (10)(9) Additional requirements related to this zone are found in SCC 14.16.210, 14.16.215, 14.16.600
 10 through 14.16.900, 14.28, and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord.
 11 O20080004 (part); Ord. O20070009 (part); Ord. O20060007 Exh. D § 3: Ord. 17938 Attch. F (part),
 12 2000)

13 **14.16.210 Airport Environs Overlay (AEO).**

- 14 (1) - (7) No change.
 15 (8) Notice and Acknowledgement to Purchasers Required (Airport Safety Zones 1 through 6). In Airport
 16 Safety Zone 2 a Notice, Acknowledgement and Waiver shall be signed in lieu of the following
 17 document. No permit of any type shall be issued for any development or activity on non-Port of
 18 Skagit County property subject to this Section, including subdivisions and binding site plan
 19 approvals, until the proponent executes and records with Skagit County the following notice and
 20 acknowledgement running with the land in the chain of title for the subject property:
 21 [note to code publisher: Notice and Acknowledgement/Acknowledgement language to remain unchanged.]
 22 (9) - (11) No change.

Table 1

SAFETY ZONE	<u>LANDS WITHIN THE BAYVIEW RIDGE URBAN GROWTH AREA LAND USE¹</u>	<u>LANDS OUTSIDE THE BAYVIEW RIDGE URBAN GROWTH AREA NON-UGA LAND USE</u>	OPEN SPACE
1	No change.		
2	Use limited to warehousing, light industrial allowed with no air emissions that obscure visibility; maximum building size footprint is 13,000 square feet limited to one per acre, except aircraft hangars.	No new development allowed. <u>One detached single-family dwelling unit provided Expanded Notice and Acknowledgement is required.² Residential accessory uses may be allowed if uninhabited. No accessory dwelling units, temporary manufactured homes, family day care providers, co-housing, schools, churches, or bed and breakfasts shall be allowed.</u>	30% open space

		Existing structures and uses permitted to be replaced.	
3S	No change.		
3L	No change.		
4S	No change.		
4L	No change.		
5	No change.		
6	No change.		

¹ Based on the application of the International Building Codes and the SCC zoning code parking requirements, these limitations fully comply with the recommended industrial density limitations expressed in employees per acre in the Skagit Regional Airport Land Use Compatibility Study. Building size may increase or decrease as long as the overall ratio of building size to acreage remains the same.

²A Notice, Acknowledgement and Waiver Airport and Aircraft Operations and Noise Disclosure must be notarized and recorded prior to allowing construction of new residential structures. The Notice, Acknowledgement and Waiver includes a waiver of claims against the Port of Skagit County and Skagit County for injury or property damage due to aviation related incidents in recognition that residential uses are not recommended in Safety Zone 2 in the Skagit Regional Airport Land Use Compatibility Study (May, 2000).

1 (Ord. O20080009 (part); Ord. O20080007 (part); Ord. O20070009 (part); Ord. O20060007 Exh. D § 6:
2 Ord. 17938 Attch. F (part), 2000)

3 **14.16.215 Bayview Ridge Urban Growth Area.**

4 (1) - (2) No change.

5 (3) General Regulations.

6 (a) – (b) No change.

7 (c) Stormwater. The property owner shall construct surface and stormwater management
8 improvements as determined by the County to be consistent with the surface water management
9 standards found in Chapter 14.32 SCC, Drainage Ordinance. Surface and stormwater
10 management improvements shall be constructed consistent with the adopted Bay View
11 Watershed Stormwater Management Plan Phase 1. In addition, as a condition of development
12 approval on the subject property, and for all property in the UGA owned by the same owner, the
13 owner shall sign an agreement not to protest a future LID or other pro rata sharing of costs to
14 upgrade the surface water management system or install additional urban standard stormwater
15 management improvements within 20 years, if such are determined necessary as part of surface
16 or stormwater management standards in the Subarea Plan process for the Bayview Ridge UGA.
17 Credit for prior contributions and improvements already made or completed by the individual
18 property owners (or their predecessor in interest) for the particular urban public facility or
19 service contemplated by the Subarea Plan or LID, including, but not limited to, stormwater
20 drainage facilities, or dedication of property for public facilities that are included in the subarea
21 facilities plan shall be provided.

22 (d) No change.

1
2 **14.16.340 Bayview Ridge Residential (BR-R).**

3 (1) - (4) No change.

4 (5) Density and Dimensional Standards. Densities in BR-R must be at least 4 and no more than 6 units
5 per acre, unless located in areas with density limits lower than this due to an Airport Environs
6 Overlay safety zone.

7 (a) – (d) No change.

8 (e) Maximum height: 40 feet or Consistent with the adopted building code of Skagit County and
9 shall conform to the applicable Federal Aviation Administration regulations concerning height
10 restrictions when located within the Airport Environs Overlay, SCC 14.16.210.

11 (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and fire towers
12 are exempt from the maximum height, but shall conform to the applicable Federal Aviation
13 Administration regulations. The height of personal wireless services towers are regulated in SCC
14 14.16.720.

15 (6) - (7) No change.

16 (8) Infrastructure Requirements. This zone is part of the Bayview Ridge Urban Growth Area (UGA).
17 Development must comply with the UGA infrastructure requirements in SCC 14.16.215 Bayview
18 Ridge Urban Growth Area and with Chapter 14.28 Concurrency.

19 (9) Additional requirements related to this zone are found in SCC 14.16.210, 14.16.215, and 14.16.600
20 through 14.16.900, 14.28, and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord.
21 O20080009 (part); Ord. O20080004 (part); Ord. O20060007 Exh. D § 8. Formerly 14.16.335.)

22
23 **14.16.350 Bayview Ridge Urban Reserve (BR-URv).**

24 (1) - (4) No change.

25 5) Dimensional Standards.

26 (a) – (c) No change.

27 (d) Maximum height: 40 feet or Consistent with the adopted building code of Skagit County and
28 shall conform to the applicable Federal Aviation Administration regulations concerning height
29 restrictions when located within the Airport Environs Overlay, SCC 14.16.210.

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

34 (e) – (h) No change.

35 (6) No change.

36 (7) Infrastructure Requirements. This zone is part of the Bayview Ridge Urban Growth Area (UGA).
37 Development must comply with the UGA infrastructure requirements in SCC 14.16.215 Bayview
38 Ridge Urban Growth Area and with Chapter 14.28 Concurrency.

39 ~~(8)~~ Additional requirements related to this zone are found in SCC 14.16.210, 14.16.215, 14.16.600
40 through 14.16.900, 14.28, and the rest of Skagit County Code. (Ord. O20080012 (part); Ord.
41 O20080009 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. O20060007 Exh. D § 9.
42 Formerly 14.16.336.)

43 **14.16.385 Hamilton Urban Reserve (H-URv).**

44 (1) No change.

45 (2) No change.

46 (3) Administrative Special Uses.

47 (a) – (e) No change.

48 ~~(f) Personal wireless services towers, subject to SCC 14.16.720.~~

49 (g) Retail and wholesale nurseries/greenhouses.

- 1 (h) Riding clubs and stables if accessory to the existing resource use and no new structures are
- 2 constructed.
- 3 (i) Seasonal roadside stands not exceeding 2,000 square feet, except as allowed in Subsection (2)(r)
- 4 of this Section.
- 5 (j) Temporary events, provided no permanent structures are constructed.
- 6 (k) Temporary manufactured home.
- 7 (l) Trails and primary and secondary trailheads.
- 8 (4) Hearing Examiner Special Uses.
- 9 (a) – (g) No change.
- 10 (h) Personal wireless services towers, subject to SCC 14.16.720.
- 11 ~~(i)(h)~~ Temporary asphalt/concrete batching as defined and limited in Chapter 14.04 SCC, provided
- 12 there is no other viable parcel of land to serve the purpose.
- 13 (5) No change.
- 14 (6) No change.

15
16 **14.16.400 Agricultural – Natural Resource Lands**

- 17 (1) – (4) No change.
- 18 (5) Dimensional Standards.
- 19 (a) Setbacks.
- 20 (i) Residential.
- 21 (A) Front: 35 feet minimum, 200 feet maximum from public road. Unless specified below
- 22 or elsewhere in this Chapter, no portion of a structure shall be located closer than 35 feet
- 23 from the front lot line and no portion of a structure shall be located further than 200 feet
- 24 from the front lot line. If a parcel is located such that no portion or developable portion of
- 25 the property is within 200 feet of a public road, the maximum 200-foot setback shall be
- 26 measured from the front property line. The maximum setback may be waived by Planning
- 27 and Development Services where critical areas, preventing the placement of residential
- 28 structures, are located within the 200-foot setback area. The maximum setback may also be
- 29 waived by Planning and Development Services in cases where nonfloodplain or nonprime
- 30 agricultural land is located on the lot outside of the setback area, which would provide for a
- 31 more appropriate placement of residential structures. In cases where a residence exists
- 32 outside the setback area, residential accessory structures may be placed outside the setback
- 33 area if located in accordance with the siting criteria outlined in Subsection (6) of this
- 34 Section.
- 35 (B) - (D) No change.
- 36 (ii) No change.
- 37 (b) Maximum height: ~~4030 feet or shall conform to the Skagit County Building Code.~~
- 38 (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and fire
- 39 towers are exempt. The height of personal wireless services towers are regulated in SCC
- 40 14.16.720.
- 41 (c) No change.
- 42 (6) Siting Criteria. In addition to the dimensional standards described in Subsection (5) of this Section,
- 43 new, non-agricultural structures shall be required to comply with the following provisions:
- 44 (a) - (b) No change.
- 45 (c) When compatible structures exist on the subject property or adjacent properties, siting of new
- 46 structures shall comply with the following prioritized techniques:
- 47 (i) - (ii) No change.
- 48 (iii) No change.
- 49 When the provisions of Subsection (6)(c)(i) or (6)(c)(ii) of this Section are not possible, site
- 50 new structure(s) to achieve minimum distance from any existing compatible structure on
- 51 either the subject property or an adjacent property. All development including but not

1 limited to structures, parking areas, driveways, septic systems, wells, and landscaping shall
2 be contained within an area of no more than 1 acre.

3 (7) No change.

4 **14.16.440 Mineral Resource Overlay (MRO).**

5 (1) – (2) No change.

6 (3) Pre-Existing Designated and Undesignated Mining Operations.

7 (a) No change.

8 (b) Commercial mining operations lying outside of a designated MRO that are permitted and legally
9 existing allowed at the time of adoption of the ordinance codified in this Section may continue to
10 operate on the permitted mining site. Expansion of the existing operations beyond the
11 geographical and/or operational limits imposed by the existing approval is allowed provided the
12 owner applies for and receives a new mining special-use permit issued under this Section that
13 covers the expanded operation area. Any Expansion shall~~will~~ not extend beyond the legal
14 parcel on which the legally existing, permitted use is located.

15 (c) Commercial mining operations lying within a designated MRO that are permitted and legally
16 existing allowed at the time of adoption of the ordinance codified in this Section may continue to
17 operate on the permitted mine site. Expansion of the existing operations beyond the geographical
18 and/or operational limits imposed by the existing approval is allowed, provided the owner
19 applies for and receives a new mining special-use permit issued under this Section that covers
20 the expanded operation and/or area.

21 (4) – (11) No change.

22 **14.16.720 Personal wireless services facilities.**

23 (1) – (11) No change.

24 (12) General Requirements. The following general requirements shall apply to towers and antennas
25 construction:

26 (a) – (b) No change.

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

28 (i) No change.

29 ~~(ii) Building permits shall be required for new construction projects located within the Bayview~~
30 ~~Ridge Light Industrial (BR-LI), Bayview Ridge Heavy Industrial (BR-HI), Natural~~
31 ~~Resources Industrial (NRI), Industrial Forest Natural Resource Lands (IF-NRL), Rural~~
32 ~~Marine Industrial (RMI), and Rural Freeway Services (RFS) districts.~~

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

43 (iii)(iv) Building permits and Hearing Examiner special use permits shall be required for projects
44 located within the Rural Intermediate (RI), Rural Village Residential (RVR), Urban Reserve
45 Residential (URR), Hamilton Urban Reserve (H-URv), Rural Reserve (RRv), Small Scale
46 Business (SSB), and Small Scale Recreation and Tourism (SRT) zoning districts and for (g)
47 and (h) priority locations of Subsection (10) of this Section.

48 (d) - (f) No change.

49 (13) - (20) No change.

1 **14.16.820 Signs.**

2 (1) - (2) No change.

3 (3) General Sign Regulations. The following general requirements shall apply to sign regulations in all
4 zoning districts in Skagit County.

5 (a) - (b) No change.

6 (c) Building Permits. Building permits shall be required for the erection, alteration, or reconstruction
7 of ~~wall-mounted~~ roof signs, electrified signs and freestanding signs in excess of 32 square feet, or
8 greater than 6 feet in height. A change in information on the face of an existing sign shall not
9 constitute an alteration.

10 (d) - (n) No change.

11 (4) Exempt Signs. All signs exempt from this Section shall be nonilluminated and adhere to Subsections
12 (3)(j), Sight Distance, and (3)(k), Traffic Safety, of this Section. The following signs are exempt from
13 the provisions of this Section except as specifically noted in this Subsection:

14 (a) No change.

15 (b) Community Identification Signs. Community identification signs shall be exempt, provided they
16 are 60 square feet or less in size. In the Alger Community Planning area, community
17 identification signs shall be 40 square feet or less in size.

18 (c) - (k) No change.

19 (5) - (7) No change.

20 (8) Commercial Business Signs. Each operating enterprise, institution or business shall be permitted to
21 have 2 on-site business identification signs per building entrance and 1 off-premises sign as defined
22 and regulated by Subsection (10) of this Section unless otherwise provided herein. In the Rural
23 Village Residential and Commercial zones, each operating enterprise, institution or business shall be
24 permitted to have 1 on-site business identification sign per building entrance and 1 off-premise sign
25 as defined and regulated by Subsection (10) of this Section unless otherwise provided herein.

26 Business signs shall be incorporated into the landscaping of the site when landscaping is provided and
27 should be designed to reflect the surrounding rural character in design and size. In addition to the
28 other requirements of this Subsection, business signs are subject to the following size requirements:

29 (a) Maximum wall sign area shall not exceed 2 square feet for each lineal foot of the building wall on
30 which the sign is attached, not to exceed 40 square feet. In the Rural Village Commercial zone in
31 Alger, wall signs may be up to 4 square feet for each lineal foot of the building wall.

32 (b) Maximum freestanding sign area shall not exceed 1 square foot for each 5 lineal feet of street
33 frontage, not to exceed 40 square feet except for tourism-related signs subject to the provisions of
34 Subsections (7)(b), (c) and (f) of this Section. In the Rural Village Commercial and Rural Village
35 Residential areas of Alger, maximum freestanding sign area shall not exceed 20 square feet and
36 shall be no higher than 12 feet.

37 (c) No change.

38 (9) - (11) No change.

39 **14.16.830 Landscaping requirements.**

40 (1) No change

41 (2) Applicability. An approved landscape plan is required for any change of use, new or replacement
42 commercial or industrial or institutional building, special use, or subdivision application (as required
43 by Chapter 14.18 SCC) application. Plans for projects including 2,000 square feet or more of
44 landscaping over the entire development area shall be prepared by a licensed landscape architect or
45 Washington State certified nurseryman. ~~There are different requirements depending on the proposed~~
46 ~~use associated with a residential or commercial/industrial zoning district outlined in Subsection (4) of~~
47 ~~this Section.~~

48 (3) No change

49 (4) Types, Amounts, and Locations of Landscaping Required.

50 (a) Type I, Property Lines Other Than Street Frontage.

- 1 (i) No change.
2 (ii) Applicability.
3 (A) A 20-foot-wide Type I buffer is required on all development within SRT, BR-LI, BR-
4 HI, NRI, H-I and RMI zones where it abuts URR, RI, RRv, RVR, BR-CC, BR-R, BR-
5 URv, H-R, H-URv and R zoned land. Entire property lines need not be landscaped if
6 applicant can demonstrate the activity (building or use) is adequately screened and
7 agrees to additional Type I landscaping with future applications. A request for a
8 reduction shall be by administrative decision pursuant to Chapter 14.06 SCC.
9 Requirements for the NRI zone are found within that zone.
10 (B) No change.
11 (iii) No Change.
12 (b) Type II, Property Lines Other Than Street Frontage.
13 (i) No change.
14 (ii) Applicability.
15 (A) A 10-foot-wide Type II buffer is required on all development within URC-I, AVR, BR-
16 CC, RFS, RVC, RC, SSB, and RB zones where it abuts URR, RI, RRv, RVR, BR-R,
17 H-R, H-URv and R zoned land. Entire property lines need not be landscaped if
18 applicant can demonstrate the activity (building or use) is adequately screened and
19 agrees to additional Type II landscaping with future applications. A request for a
20 reduction shall be by administrative decision pursuant to Chapter 14.06 SCC.
21 (B) No change.
22 (iii) No change.
23 (c) Type III, Street Frontage.
24 (i) - (ii) No change.
25 (iii) Amount of Plantings.
26 (A) No change.
27 (B) Standards for URC-I, RVC, RC, SSB, and R Zones.
28 (I) - (III) No change.
29 (d) Type III, Street Frontage in RVC in Alger.
30 (i) Description. Type III landscaping is intended to provide aesthetic enhancement, retain the
31 natural landscape character and soften the appearance of streets, parking areas and building
32 elevations of applications subject to this Section.
33 (A) An 8-foot-wide Type III buffer is required on the street frontage of all development
34 within the Alger RVC zone. Stormwater biofiltration is encouraged to be incorporated
35 into any landscaped area. Parking must be located to the side and rear of buildings or in
36 on-street parking lanes. In the Rural Village Commercial area north of Alger Cain Lake
37 Road, the pathway may be in the outside 20 feet of the 100-foot wide Old State Route
38 99 right of way.
39 (B) Type III landscapes may be applied as conditions to discretionary land use applications.
40 (ii) Amount of Plantings.
41 (A) Street trees in the amount of one tree per 30 feet of street frontage. All street trees shall
42 be deciduous. Trees may be grouped informally to enhance the rural environment.
43 (B) Shrubs and groundcover so that the ground will be covered within 3 years.
44 (iii) Pedestrian and Bicycle Pathways.
45 (A) Street frontage shall include a pedestrian pathway at least 5 feet wide. The pathway may
46 be constructed of crushed rock or asphalt. In the Rural Village Commercial area north
47 of Alger Cain Lake Road, the pathway may be in the outside 20 feet of the 100-foot
48 wide Old State Route 99 right of way. Bicycle paths north Alger Cain Lake Road shall
49 be located within the inner 60-foot right of way.
50 (e)~~(d)~~ No change.

1 (5) Landscaping thresholds for remodeled, repaired, or expanded buildings/uses. As a condition of any
2 remodel, repair, or expansion (50% or less) to an existing building or use, landscaping shall be
3 required at least equal to the percentage of the remodeled, repaired, or expanded area. Substantial
4 remodels, repairs, or expansions (greater than 50%) of an existing building or use shall be considered
5 new development, and shall meet all requirements of this chapter. No landscaping shall be required
6 for wholly interior remodels. In no case shall additional landscaping be required for properties
7 already meeting SCC 14.16.830.

8 (6)(5) No change.

9 **14.16.850 General provisions.**

10 (1) - (3) No change.

11 (4) Development of Lots of Record.

12 (a) Notwithstanding other restrictions of the Skagit County Code, only lots of record meeting the
13 minimum lot size requirements of the zoning district in which they are located that are not
14 restricted from development by prior County decision or action (e.g. plat notes, open space
15 designation, or other means) will be eligible for development permits. Lots of record that do not
16 meet the minimum lot size requirements of the zoning district in which they are located
17 (hereafter “substandard lots of record”) shall only be considered for development permits if they
18 are not restricted from development by prior County decision or action and meet one (1) or more
19 of the exceptions described in Subsection (4)(c) of this Section.

20 (i) - (iii) No change.

21 (b) No change.

22 (c) The County shall only consider issuing development permits on those substandard lots of record
23 meeting any of the exemptions in this Subsection.

24 (i) The lot of record was properly platted and approved by Skagit County on or after March 1,
25 1965; provided, that any lot that was created with a restriction barring from future
26 development (e.g. plat notes, open space designation, or other means) on the face of the plat
27 that the lot was created “not for development purposes” shall not be considered for
28 development pursuant to this Subsection.

29 (ii) – (vi) No change.

30 (vii) The lot of record meets one (1) or more of the following:

31 (A) Has an existing dwelling unit that, at a minimum, meets the standards definition of an
32 “efficiency dwelling unit” under Section 206 of the 1997 Uniform Building Code or a
33 commercial/industrial/institutional building located solely on the lot of record and the
34 dwelling unit or commercial/industrial/institutional building was either constructed
35 prior to July 1, 1990, according to the Assessor’s records, or, if constructed after that
36 date, obtained a building permit for its construction and approval to occupy from the
37 County; or

38 (B) – (D) No change.

39 (viii) The lot of record was legally created prior to March 1, 1965, or if created after March 1,
40 1965, was exempt from subdivision requirements at the time it was created, and meets 1 of
41 the following requirements:

42 (A) The lot of record is one (1) acre or larger and is located in the Rural Village Residential
43 or Rural Intermediate zoning district. Lots located within the Fidalgo Island subarea
44 plan boundaries identified in Ordinance No. 18375, Appendix 1, Section 1, No. 12, or
45 located on Guemes Island shall not be eligible for this Subsection until after completion
46 of and subject to the adopted recommendations of the Fidalgo Island subarea plan or the
47 Guemes Island subarea plan, respectively; or

48 (B) - (E) No change.

49 (d) – (f) No change.

50 (5) – (9) No change.

1 **14.16.900 Special use permit requirements.**

2 (1) Special Uses.

3 (a) No change.

4 (b) Process/Authority for Special Use Permit.

5 (i) - (iv) No change.

6 (v) The burden of proof shall be on the applicant to provide evidence in support of the
7 application. The criteria for approval or denial shall include the following elements:

8 (A) - (G) No change.

9 (H) The proposed use will be supported by adequate public facilities or services and will
10 not adversely affect public services to the surrounding areas, or conditions can be
11 established to mitigate adverse impacts on such facilities;

12 (I) Maintains the character, landscape and lifestyle of the rural area. For new uses,
13 proximity to existing businesses operating via special use permit shall be reviewed and
14 considered for cumulative impacts.

15 (c) No change.

16 ~~Approved special uses identifiable through the Departments permit tracking system shall be~~
17 ~~shown on the official zoning mapped upon request.~~

18 (d) All special uses, including master planned resorts, shall require a development project be
19 commenced for the entire parcel within 2 years of the permit approval, unless development is
20 phased. For the purposes of this Section, “commenced” shall mean either (1) the use permitted
21 by the permit has been established or (2) a complete building permit has been filed with
22 Planning and Development Services for the principal building which will allow the use. Upon
23 building permit approval, the principal building shall be completed (i.e., final inspections
24 completed) within 3 years. Those portions of the property, which are not included within the
25 development area and where the above time frames are not met, shall automatically be removed
26 from the special use approval, unless a phasing plan is approved pursuant to Subsections (i) –
27 (iii) below (1)(e)(iii)(A) and (B) of this Section. For purposes of this Subsection, “development
28 area” shall mean all portions of the site needed to meet UDC requirements, such as lot coverage
29 and setbacks.

30 (i) - (iii) No change.

31 (2) Special Uses with Specific Criteria.

32 (a) – (d) No change.

33 (e) Home Based Business 2. Special use permits are subject to the following criteria:

34 (i) - (viii) No change.

35 It should be noted that the intent of this category of special uses is to allow home based businesses to
36 operate with the above-noted limitations. When the business grows beyond the criteria established
37 above and the conditions included in any approval, the business shall relocate to a zoning
38 classification which would permit the activity.

39 (f) Home Based Business 3. Special use permits are subject to the following criteria:

40 (i) - (vi) No change

41 (vii) May have clients come to the site; Maintains the character, landscape and lifestyle of the
42 rural area. For new uses, proximity to existing businesses operating via special use permit
43 shall be reviewed and considered for cumulative impacts;

44 (viii) If established after June 1, 1997, shall not be used as justification for future Comprehensive
45 Plan amendment and/or rezone requests. May have clients come to the site;

46 (ix) If established after June 1, 1997, shall not be used as justification for future Comprehensive
47 Plan amendment and/or rezone requests.

48 It should be noted that the intent of this category of special uses is to allow home based businesses to
49 operate with the above-noted limitations. When the business grows beyond the criteria established
50 above and the conditions included in any approval, the business shall relocate to a zoning
51 classification which would permit the activity.

1 (g) Master planned resorts pursuant to Chapter 14.20 SCC. Special use permits for master planned
2 resorts are also subject to the following criteria:

3 (i) – (ii) No change.

4 ~~It should be noted that the intent of this category of special uses is to allow home based~~
5 ~~businesses to operate with the above noted limitations. When the business grows beyond the~~
6 ~~criteria established above and the conditions included in any approval, the business shall~~
7 ~~relocate to a zoning classification which would permit the activity.~~

8 (h) No change.

9 (i) Kennels. Special use permits for kennels are also subject to the following criteria:

10 (i) – (xiv) No change.

11 (xv) Planning and Development Services may refuse issuance of a special use permit, or rescind
12 an approved special use permit for a kennel that is ~~found~~ in violation of any of the
13 provisions of Chapter 7.02 SCC.

14 (3) No change.

19 14.18 Land Divisions

20 14.18.100 Preliminary subdivisions.

21 (1) – (2) No change.

22 (3) Review Process.

23 (a) - (b) No change.

24 (c) Preliminary long subdivisions with between 9 and 50 lots shall be processed as a Level ~~IIII-HE~~
25 application, per Chapter 14.06 SCC.

26 (d) Preliminary long subdivisions with more than 50 lots shall be processed as a Level III-~~HEPC~~
27 application, per Chapter 14.06 SCC.

28 (e) No change.

29 (4) – (7) No change.

30 14.18.500 Binding site plans.

31 (1) - (3) No change

32 (4) Review Process.

33 (a) No change.

34 (b) Binding site plans for the creation between 9 and 50 lots, tracts, parcels, or units shall be
35 processed as a Level ~~IIII-HE~~ permit.

36 (c) Binding site plans for the creation of more than 50 lots, tracts, parcels, or units shall be
37 processed as a Level III-~~HE-PC~~ permit.

38 (5) - (9) No change.

39 14.18.700 Boundary line adjustments.

40 (1) Purpose. The purpose of this Section is to provide procedures and criteria for the review and approval
41 of minor adjustments to boundary lines of lots of record or building sites in order to rectify defects in
42 legal descriptions, to allow the enlargement or merging of lots to improve a building site including
43 increased protection of critical areas, to achieve increased setbacks from property lines or critical
44 sensitive areas, to correct situations wherein an established use is located across a lot line, to combine
45 substandard lots of record pursuant to SCC 14.16.850(4)(a) and 14.18.000(9)(a), or for other similar
46 purposes.

- 1 (2) Procedures and Limitations of the Boundary Line Adjustment Process. Adjustment of boundary lines
2 between adjacent lots shall be consistent with the following review procedures and limitations:
3 (a) Applications for boundary line adjustments shall be reviewed as a Level I permit as provided in
4 Chapter 14.06 SCC. The review shall include examination for consistency with Chapter 14.16
5 SCC, Zoning, Chapter 14.26 SCC, Shorelines, applicable Board of Health regulations, and, for
6 developed lots, International Fire and Building Codes.
7 (b) - (c) No change.
8 (d) A boundary line adjustment proposal shall not:
9 (i) - (ii) No change.
10 (iii) Result in a lot that does not meet the requirements of 14.24 SCC, Critical Areas, or qualify
11 as a building site pursuant to Board of Health Department requirements for sewer and water.
12 (iv) - (v) No change.
13 (3) No change.
14
15
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20 **14.24 Critical Areas Ordinance**

21 **14.24.090 Protected critical areas (PCA) requirements.**

- 22 (1) PCA. Approval of projects which trigger a development permit and/or other land use activities that
23 require critical areas site assessment(s) shall require the identification and designation of PCAs.
24 PCAs shall include all critical areas and their associated buffers as well as all areas on the parcel not
25 investigated for critical areas. PCAs shall be depicted on a site plan, suitable for recording, and shall
26 include all critical areas and associated buffers which have been identified through the site
27 assessment process.
28 (a) The PCA is to be left undisturbed in its natural state. No clearing, grading, filling, logging, or
29 removal of woody material; building; construction or road construction of any kind; planting of
30 non-native vegetation or occupation by livestock is allowed within the PCA areas except as
31 specifically permitted by Skagit County on a case-by-case basis.
32 (2) - (5) No change.

33 **14.24.110 County regulation of forest practices for the protection of critical areas.**

34 Forest practices governed under Chapter 76.09 RCW are subject to the provisions of this Section as
35 follows:

- 36 (1) - (3) No change.
37 (4) The following shall be subject to a 6-year moratorium on all future activities which require a permit
38 or land use approval from the County:
39 (a) No change.
40 (b) When the County receives a notice of conversion to nonforestry use from DNR under RCW
41 76.09.460 or; ~~Where an undeclared conversion of forested land to a specified use has occurred~~
42 under a non-conversion forest practice application (FPA) without an approved COHP in good
43 standing
44 (c) No change.
45 (5) - (6) No change.
46

47 **14.28 Concurrency**

1 **14.28.020 Development exempt from project concurrency review.**

2 All development shall undergo project concurrency review unless specifically exempt as follows:

- 3 (1) No change
4 (2) Exempt Types or Levels of Development. Permits for the following types or levels of development
5 are exempt from project concurrency review:
6 (a) Single-family ~~dwelling unit~~home.
7 (b) - (c) No change.
8 (d) Any addition to, renovation or replacement of a residential structure with no change in use and
9 no more than 1 additional dwelling unit added, such as reroofing.
10 (e) - (j) No change.
11 (3) - (5) No change.

13 **14.44 Enforcement**

14 **14.44.110 Written notices and orders.**

- 15 (1) No change.
16 (2) Notice and Order to Abate.
17 (a) Whenever the Administrative Official has reason to believe that a violation of SCC Titles 14
18 and/or 15, and/or a land use statute or regulation should be addressed by a notice and order
19 proceeding, the Administrative Official shall issue a written notice and order directed to the
20 owner or operator of the source of the violation, the person in possession of the property where
21 the violation originates, and/or the person otherwise causing or responsible for the violation.
22 Such notice and order may be issued by the Administrative Official alone or, where other
23 violations of health or life/safety exist, or violations of other statutes or regulations exists, the
24 notice and order may be issued in conjunction with a notice and order issued by a director of
25 another department. The notice and order shall contain the following:
26 (i) - (iv) No change.
27 (v) Statements advising that:
28 (A) - (B) No change.
29 (C) A statement advising that the order shall become final ~~unless, no later than fifteen~~ (15)
30 calendar days after the notice and order ~~are~~ is served unless any person aggrieved by
31 the order files ~~an~~ a written appeal ~~to~~ with the Skagit County Hearing Examiner pursuant
32 ~~to SCC 14.44.120~~ within 14 days after service.
33 (b) No change.
34 (3) No change.

35 **14.44.120 Appeal.**

36 Appeal to the Hearing Examiner. Appeals of the notice and order must be made in writing
37 within 14 calendar days ~~of the receipt of~~ after the notice and order is served. Appeals ~~shall be~~ will be
38 processed ~~and~~ in accordance with Chapter 14.06 SCC. (Ord. O20050003 (part); Ord. 17938 Attch. F
39 (part), 2000)
40



PLANNING & DEVELOPMENT SERVICES

GARY R. CHRISTENSEN, AICP, DIRECTOR

BILL DOWE, CBO, DEPUTY DIRECTOR

PATTI CHAMBERS
Administrative Coordinator

TIM DEVRIES, CBO
Building Official

MEMORANDUM

To: Skagit County Planning Commission
From: Carly Ruacho, Senior Planner
Date: August 17, 2009
Re: Draft Recorded Motion for Miscellaneous Code Amendments (Phase I)

In an effort to be responsive to your request to develop decision documents in “real-time” during public meetings, please find attached a preliminary draft recorded motion for the Miscellaneous Code Amendments (Phase I). As you’ll recall, at your work session on this topic on July 30, 2009, it was decided that the proposed code amendments would be bifurcated and those indicated on the attached list in “BLACK” type would be the subject of your deliberations on September 1, 2009. The draft recorded motion addresses only those items scheduled for the upcoming deliberations.

Per your request at the work session, a response regarding the solid waste provisions will be forthcoming. We anticipate distributing that to you no later than August 25th, in advance of your deliberations.

Please feel free to contact me at 336-9410 or carlyr@co.skagit.wa with any questions.

Note: Mailed to Carol Ehlers, Jerry Jewett, and Matt Mahaffie.
Emailed to William Stiles III, Jason Easton, Annie Lohman, Dave Huges, Mary J. McGoffin, and Kristen Ohlson-Kiehn

Mailing Address: 1800 Continental Place ♦ Mount Vernon, WA 98273
Temporary Physical Location: 1700 E. College Way, Mount Vernon
Phone: (360) 336-9410 ♦ Fax: (360) 336-9416

“Helping You Plan and Build Better Communities”

**SKAGIT COUNTY PLANNING COMMISSION
RECORDED MOTION RECOMMENDING APPROVAL OF SELECT
PROPOSED MISCELLANEOUS SKAGIT COUNTY CODE AMENDMENTS**

WHEREAS the current Unified Development Code (Skagit County Code Title 14) was adopted by Ordinance No. O20070009 on September 10, 2007, and became effective on October 10, 2007; and

WHEREAS the Unified Development Code has been periodically amended in response to Washington State Law requirements, Western Washington Growth Management Hearings Board orders, court orders, and Planning and Development Services (“the Department”) recommendations; and

WHEREAS the Department staff, other County staff, and Skagit County businesses and citizens have utilized this code on a daily basis for almost two years and have discovered typographical errors, inadvertent additions and omissions, as well as provisions that lack clarity and/or consistency; and

WHEREAS while most changes are considered relatively minor in nature, some amendments were highlighted by the Department as more significant; and

WHEREAS all changes deemed necessary or appropriate by the Department staff have been tracked and compiled into a comprehensive ‘miscellaneous’ list; and

WHEREAS the Department issued a Determination of Non-Significance (DNS) for the proposed miscellaneous code amendments on June 8, 2009; and

WHEREAS on June 11, 2009, the Department published a notice regarding a public review and comment period and Planning Commission public hearing scheduled for June 30, 2009, on the proposed amendments; and

WHEREAS also on June 11, 2009, the Department sent the proposed plan to CTED for 60-day review under RCW 36.70A.106; and

WHEREAS on June 30, 2009, the Planning Commission held the public hearing as scheduled and advertised; and

WHEREAS based on public comments received during the public comment period and at the public hearing, the written public comment period was extended for an additional three weeks; and

WHEREAS 24 written comment letters were received by the July 21st extended deadline for written comments; and

WHEREAS after initial review of the public comments and testimony, the Department scheduled a work session with the Planning Commission to discuss moving forward with the proposed amendments in two phases; and

WHEREAS on July 30, 2009, the Planning Commission held a work session and agreed with the Department's proposal to bifurcate the proposed amendments and move forward on those code amendment proposals where no public comments were received on a more accelerated timeline ("Phase 1"); and

WHEREAS because of the approaching expiration of an existing moratorium regarding location of solid waste handling facilities within unincorporated Skagit County (Ordinance No. O20090002), the Planning Commission also included one related amendment proposal that had received comment in Phase 1 of the bifurcated review; and

WHEREAS based on public comment and additional legal counsel review, the Department recommended a limited amount of language revisions to the Phase 1 proposal, none of which are substantive in nature and therefore no additional public input is required; and

WHEREAS on September 1, 2009, the Planning Commission met and deliberated on the proposed amendments slated for review in Phase 1; and

WHEREAS on the same date the Planning Commission directed that a Recorded Motion be forwarded to the Board of County Commissioners containing the following findings and recommendations:

FINDINGS:

RECOMMENDATION: The Planning Commission recommends adoption of all the proposed code amendments shown in Attachment 1.

Motion for approval: _____

Seconded by: _____

VOTE:

	Support	Oppose	Abstain	Absent
William Stiles III, Chair				
Jason Easton, Vice Chair				
Carol Ehlers				
Dave Hughes				
Jerry Jewett				
Annie Lohman				
Matt Mahaffie				
Mary J. McGoffin				
Kristen Ohlson-Kiehn				
TOTAL				

NOW, THEREFORE, on September 1, 2009, the Skagit County Planning Commission voted, as recorded above, to forward to the Board of County Commissioners the foregoing recommendations to adopt the proposed code amendments.

**SKAGIT COUNTY PLANNING COMMISSION
SKAGIT COUNTY WASHINGTON**

William Stiles III, Chair

Date

Carly Ruacho, Secretary

Date