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

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

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

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

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

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

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

Utilities: Utility Development: includes, but is not necessarily limited to, facilities and services that generate, transport, process, or store water, sewage, solid waste, electrical energy, communications and pipelines for fuel, oil, natural gas, and petroleum products. A utility development is one of the following types:
(1) Minor utility development: an unmanned utility development designed to serve a small local community that would be considered a normal utility service for the area.
(2) Major utility development: a utility development that does not meet the definition of minor utility development or major regional utility development.
(3) Major regional utility development: a utility development that meets the definition of an essential public facility, including, but not limited to power generation facilities, solid waste handling facilities, and regional wastewater treatment facilities. Major regional utility developments require unclassified use permits.

14.06 Permit Procedures

14.06.030 Foundation of project review.

(1) Fundamental land use planning choices made in adopted Comprehensive Plans and development regulations shall serve as the foundation for development permit review. Development permit review shall not be used for comprehensive planning purposes. Development permits shall be reviewed for consistency, conformity and compliance with applicable adopted plans and development regulations.

(2) During development permit review, the County shall not re-examine alternatives to or hear appeals from fundamental land use planning choices made in the Comprehensive Plan or adopted development regulations, except for issues of plan or code interpretation. If during development permit review deficiencies are identified in the Comprehensive Plan or in development regulations, development permit review shall continue under existing plans and regulations and any identified deficiencies shall be docketed for consideration on at least an annual basis, consistent with the provisions of Chapter 14.08 SCC. (Ord. 17938 Attch. F (part), 2000)

14.06.050 Application Level.

(1) Applications for development permits shall be categorized as 1 of 4 levels as follows; provided, that shoreline applications shall be processed as described in the Skagit County Shoreline Management Master Program:

(a) Level I. Level I applications are those applications for which a final decision is made by the applicable Administrative Staff, either the Director of Public Works or his/her designee, or the Director of Planning and Development Services or his/her designee, without a public hearing. That decision may then be appealed in an open record appeal hearing to the Hearing Examiner. The Hearing Examiner decision may then be appealed in a closed record appeal to the Board.

   (i) – (iii) No change.

   (iv) Preliminary long subdivisions of fewer than 9 lots, tracts or parcels unless a public hearing has been requested pursuant to SCC 14.06.110(15), in which case they shall be processed as a Level III-HE decision, the same as preliminary long subdivisions of between 9 and 50 lots, and provided that the additional notice procedures of SCC 14.06.110(15) for this administrative long subdivision must be met. RCW 58.17.095 provides statutory authority for the administrative long development permits subdivision process.

   (v) - (x) No change.

   (xi) Administrative interpretations initiated by the County or another party regarding any existing permits or land use approvals prior to its issuance or any issued or approved permit or land use approval that did not originally require a public hearing.

   (xii) – (xiv) No change.

   (xv) Notice and orders to abate.

   (xvi) Other actions authorized by SCC Title 14.
(b) Level II. Level II applications are those applications that require an open record pre-decision hearing level before the Hearing Examiner and for which the Hearing Examiner decision is final, unless that decision is appealed to the Board in a closed record appeal. Level II applications include:

(i) - (iii) No change.

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

(v)- (viii) No change.

(c) No change.

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

(i) Level III HE.

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

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

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

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

(E) Other recommendations as requested by the Board.

(ii) Level III PC.

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

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

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

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

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

14.06.060 Consolidation of development permit applications.

The County shall consolidate the development application approval process, unless the applicant requests otherwise, and review in order to integrate the development permit and environmental review process and avoid duplication of the review processes. Consolidated permit processing shall follow the review and approval process of the highest numbered permit level represented among the required permits. Level IV-PC is considered the highest and Level I is considered the lowest. However, the applicant may determine whether the multiple permit applications shall be processed concurrently or independently, except that a variance associated with a preliminary land division shall be processed concurrently with the proposed land division. A consolidated hearing will result if the applicant does not make a request. For
applications that are processed individually, the highest numbered permit level shall be acted upon prior
to the processing of the lower numbered permit level, unless the higher numbered permit level is
dependent on first obtaining a favorable administrative interpretation (Level I), in which case the Level I
decision must either be processed concurrently, or must be processed first; provided, however, that the
administration of County road standard alternatives under the Road Standards Manual shall not require
consolidation, unless required by the Director of Planning and Development Services pursuant to Section
2.10 of the Road Standards Manual. (Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

14.06.110 Level I review procedures.
(1) – (14) No change.
(15) Administrative long subdivisions of fewer than 9 lots, tracts or parcels shall further comply with the
following notice and comment provisions:
(a) - (e) No change.
(f) If any person files a request for a hearing with the County within 21 days of the publishing of
such notice, a public hearing on the proposed subdivision shall be held (and the subdivision
shall therefore be processed as a Level III-HE application), if any person files a request for a
hearing with the County within 21 days of the publishing of such notice.
(g) No change.

14.06.150 Public notice requirements.
(1) No change.
(2) Notice of Development Application Requirements.
(a) No change.
Exemption. A Notice of Development Application pursuant to this Section shall not be required
for:
(i) - (iv) No change.
(ii) Forest practice conversions.
(b) – (c) No change.
(d) Notice of Development Application shall be made as follows:
(i) - (ii) No change.
(iii) Mailed to all physical addresses and owners of record located within 300 feet of all
subject property lines, or, if the applicant owns property adjacent to the subject property, notice
shall be given to all physical addresses and all owners of real property within 300 feet of any
portion of the boundaries of such adjacent properties owned by the applicant. Further provided,
however, when the Administrative Official finds that a need exists, and so informs the applicant
at the preapplication meeting, notice shall be given to all physical addresses and all
owners of
real property within 500 feet of any portion of the applicable boundaries.
(iv) - (v) No change.
(e) No change.
(3) - (4) No change.

14.06.160 Open record public hearings procedures.
(1) - (7) No change.
(8) As described in SCC 14.02.07014.06.240 and 14.02.08014.06.250, the Hearing Examiner or the
Planning Commission may adopt other rules of procedure not inconsistent with these procedures.
Further, if deemed appropriate to facilitate review of a particular development permit, the Hearing
Examiner or the Planning Commission may adopt specific procedures for an individual matter.
(9) No change.
14.06.230 Stay of proceedings.
(1) Except for administrative appeals of SEPA threshold determinations, an administrative appeal stays all processing of the underlying action or development permit proceedings in furtherance of the action appealed from, unless the Administrative Official certifies to the hearing body after the Notice of Appeal is filed with him or her that, by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life and/or property. In such case, proceedings shall not be stayed other than by direction of a court of competent jurisdiction.
(2) No change.

14.08 Legislative Actions

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

14.10 Variances

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

14.10.020 Types of variances.
Variances shall generally be 1 of 3 types:
(1) Administrative Variances. The following variances shall be processed as a Level I administrative decision pursuant to the provisions of Chapter 14.06 SCC by the respective department indicated:
(a) - (e) No change.
(f) Variances to standard critical area buffer widths (25%-50%) pursuant to SCC 14.24.140(1)(a) shall be decided administratively by Planning and Development Services.
(2) No change.
(3) Hearing Examiner Variances. All other requests for variances to any of the allowed provisions of this Title shall be processed as a Level II Hearing Examiner Decision pursuant to the requirements of Chapter 14.06 SCC (Permit Procedures). Appeal of the Hearing Examiner Decision may be made to the Board of County Commissioners as described in Chapter 14.06 SCC; provided, that shoreline variances shall follow the procedures of the Skagit County Shoreline Management Master Program, as may be amended. (Ord. O20080009 (part); Ord. O20070009 (part); Ord. 18375 § 6, 2001; Ord. 17938 Attch. F (part), 2000)
14.12 SEPA

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

14.14 Development Agreements

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

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

14.16 Zoning

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

14.16.100 Rural Village Commercial (RVC).
14.16.110 Rural Center (RC).
14.16.120 Rural Freeway Service (RFS).
14.16.150 Rural Business (RB).
14.16.195 Urban Reserve Commercial-Industrial (URC-I).
14.16.300 Rural Intermediate (RI).
14.16.310 Rural Village Residential (RVR).
14.16.320 Rural Reserve (RRv).
14.16.330 Residential District (R).
14.16.370 Urban Reserve Residential (URR).
14.16.380 Hamilton Residential (HR).
14.16.385 Hamilton Urban Reserve (H-URv).
14.16.400 Agricultural—Natural Resource Lands (Ag-NRL).
14.16.450 Urban Reserve Public-Open Space (URP-OS).
14.16.500 Public Open Space of Regional/Statewide Importance (OSRSI).
Amend existing height provisions as necessary to read as follows:

Maximum height: 40 feet.

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

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

14.16.130 Small Scale Recreation and Tourism (SRT).
14.16.140 Small Scale Business (SSB).
14.16.160 Natural Resource Industrial (NRI).
14.16.175 Hamilton Industrial (H-I).

Amend existing height provisions as necessary to read as follows:

Maximum height: 50 feet.

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

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

14.16.155 Bayview Ridge Community Center (BR-CC).
14.16.190 Bayview Ridge Heavy Industrial (BR-HI).

Amend existing height provisions as necessary to read as follows:

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

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

Amend existing height provisions in the following zoning districts:


Amend existing height provisions as necessary to read as follows:

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

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

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

14.16.020 Scope.

(1) - (2) No change.

(3) Interpretation of Uses. Only those uses listed within a given zoning district shall be allowed provided that an allowance for a substantially similar use may be granted. However, in no instance
shall a use specifically identified in any zoning district be allowed in another zoning district where 
that use is not specifically listed. When a use is not specifically listed in this Chapter, it shall be
understood that the use may be allowed if it is determined by the Administrative Official that the use
is similar to other uses listed. It is further recognized that not every conceivable use can be identified.
In anticipation that new uses will evolve over time, this Section establishes the Administrative
Official’s authority to compare a proposed use and measure it against those listed in this Chapter for
determining similarity. In determining similarity, the Administrative Official shall make all of the
following findings:
(a) – (d) No change.

14.16.100 Rural Village Commercial (RVC).
(1) Purpose. The Rural Village Commercial zoning districts are located within each Rural Village
identified in the Comprehensive Plan. This zoning district provides an activity center where rural
residents and others can gather, work, shop, entertain and reside. This district is intended to provide
for a range of commercial uses and services to meet the everyday needs of rural residents and natural
resource industries, to provide employment opportunities for residents of the rural area, and to
provide goods, services, and lodging for travelers and tourists to the area. Requirements specific to
individual community plans may be incorporated in this section.
(2) Permitted Uses. The following uses that primarily serve the needs of the surrounding rural
population, visitors to the rural area, or natural resource industrial uses in the rural area:
(a) Art galleries and studios [note to code publisher: please renumber remainder of section as appropriate]
(b)– (u) No change.
(v) In the Rural Village Commercial zone in Alger, the permitted uses shall be limited to the
following:
(i) Caretaker quarters or owner/operator dwelling unit accessory to primary use;
(ii) Community club/grange hall;
(iii) Continuation of existing residential uses;
(iv) Historic sites open to the public;
(v) Loft living quarters above commercial uses, up to four units provided gross floor area is
no more than 75% of the primary use gross floor area. The size of each unit shall meet, at
a minimum, the definition of efficiency dwelling unit;
(vi) Minor public uses;
(vii) Natural resource support services, including office uses and wholesale, retail and service
businesses serving local natural resource industries, including nurseries and greenhouses,
and sales, storage, parts and repair of equipment and supplies for natural resource
industries;
(viii) Overnight lodging and related services for visitors to the rural area;
(ix) Small retail and service businesses, including, but not limited to:
    day-use kennels,
    family day care provider,
    gas stations,
    laundromat,
    mini-storage,
    outpatient medical and health care services,
    preschools,
    restaurants,
    seasonal roadside stands under 300 square feet,
    small animal clinic/hospital,
    tasting rooms.
(3) No change.
(4) Hearing Examiner Special Uses.
(a) - (i) No change.

(i) In the Rural Village Commercial zone in Alger, the Hearing Examiner Special Uses shall be limited to the following:

(i) Adult group care facility.
(ii) Churches.
(iii) Indoor shooting clubs.
(iv) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
(v) Major utility developments.

(5) Dimensional Standards.

(a) Setbacks.

(i) In the Rural Village Commercial zone in Alger adjacent to Old Highway 99 and north of Alger Cain Lake Road, the following applies:

Front setbacks are 5 feet for those RVC properties where the right-of-way is approximately 100 feet wide provided there is an approved agreement for frontage improvements on Old Highway 99 consistent with the Village Concept Plan in the Alger Community Plan. The agreement must be signed by Skagit County and shall include provisions for, at a minimum: Landscaping, stormwater management, pathways, driveways, and maintenance.

(ii) - (iv) No change.

(b) No change.

(c) Maximum height: 40 feet or shall conform to the Skagit County Building Code.

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

(d) No change.

(6) Pedestrian Circulation. Pedestrian walkways shall be provided between parking areas and the uses served by that parking. Pedestrian facilities shall be also provided as specified by an applicable rural village plan. In the Rural Village Commercial zone in Alger, pedestrian and bike pathways at least 5 feet wide shall be required along the street frontage and between parking areas and the uses they serve. Pathways may be surfaced with crushed rock, except for those portions covered by handicapped accessibility requirements. Pathways shall include lighting that is full cut-off shielded and directed so that light does not migrate off site. Lighting shall be pedestrian scale, with masts no higher than 12 feet and directed to sidewalks, paths, and parking areas.

(7) Building and Site Design: In the Rural Village Commercial zone in Alger, new structures shall be compatible with the design of one or more of the existing historic structures, including the old Grange Hall, the Alger Improvement Association Community Hall, and the Alger Bar and Grill. Parking areas shall be located to the side or rear of buildings.

(8) Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. O20050003 (part); Ord. 17938 Attch. F (part), 2000)

14.16.110 Rural Center (RC).

(1) No change.

(2) Permitted Uses. The following uses that primarily serve the needs of the surrounding rural population and visitors to the rural area in areas which are distant from Rural Village Commercial districts and other commercial centers:

(a) Bed and breakfast; [note to code publisher: please punctuate all uses in this section with (.)]
(b) Community club/grange hall;
(c) Family day care provider;
(d) Gas stations;
(e) Historic sites open to the public;
(f) Kennel, day-use;
(g) Loft living quarters;
(h) Laundromat. [note to code publisher: please renumber remainder of section as appropriate]
(i) Mini-storage;
(j) Minor public uses;
(k) Owner operator/caretaker quarters accessory to the primary commercial use;
(l) Pre-schools;
(m) Retail and wholesale nurseries/greenhouses;
(n) Small retail and service businesses, including restaurants; and
(o) Outpatient medical and health care services.

(3) – (4) No change.

(5) Dimensional Standards.
(a) - (b) No change.
(c) Maximum height: 40 feet Shall conform to the Skagit County Building Code.
(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and fire towers
are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.
(d) No change.

(6) No change.

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

(6) No change.

14.16.150 Rural Business (RB).
(1) No change.
(2) Permitted Uses.
(a) No change.
(b) Subject to an administrative decision, a change of use from the existing use to a use which is
substantially similar to the existing use in terms of the type of commercial activity performed. A
substantially similar use shall continue the same basic operational characteristics as the existing
use shall fall within the same broad use category as the existing use (retail, service, restaurant, or
manufacturing), shall be of no greater intensity, density, or generate no greater environmental or
traffic impact than shall generate equal or less traffic as the existing use, and shall continue the
same basic operational characteristics as the existing use (for example, a change of use from a
convenience store to a gas station would not be permitted, but a change from a convenience store
to a video store would).

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

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

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

(3) No change.

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

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

(ii) No change.

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

(e) No change.

(5) Dimensional Standards.
(a) No change.
(b) Maximum height: 40 feet or shall conform to the Skagit County Building Code, whichever is
less.

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

(c) No change.

(6) No change.
14.16.155 Bayview Ridge Community Center (BR-CC).

(1) Purpose. The Bayview Ridge Community Center zoning district is located in the Bayview Ridge Urban Growth Area. This zoning district provides a community center where employees, residents and others can obtain and utilize public and private services and facilities such as a community meeting building, fire station, police precinct office, public open space, schools, recreation and parkland. This district is intended to be pedestrian-oriented and provide for public and private uses and services to meet the everyday needs of employees and residents of the area.

(2) – (4) No change

(5) Dimensional Standards.

(a) Setbacks.
   (i) Front: 25 feet.
   (ii) Side: 8 feet.
   (iii) Rear: 25 feet.

(b) Maximum Size Limits. Commercial and public buildings not to exceed 15,000 square feet of gross building area.

(c) — (i) Maximum height: 50 feet or consistent with the adopted building code of Skagit County and shall conform to the applicable Federal Aviation Administration regulations concerning height restrictions pursuant to the Airport Environs Overlay, SCC 14.16.210, whichever is less.
   (ii) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and fire towers are exempt from the maximum height, but shall conform to the applicable Federal Aviation Administration regulations. The height of personal wireless services towers are regulated in SCC 14.16.720.

(d) — (ii) Maximum lot coverage: none.

(6) No change.

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

(8) Additional requirements related to this zone are found in SCC 14.16.210, 14.16.215, 14.16.600 through 14.16.900, 14.28, and the rest of Skagit County Code. (Ord. O20080007 (part); Ord. O20070009 (part); Ord. O20060007 Exh. D § 2)

14.16.160 Natural Resource Industrial (NRI).

(1) - (2) No change.

(3) No change.

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

(a) – (c) No change.

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

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

(d) – (h) No change. [Note to code publisher: please renumber remainder of section as appropriate]

(4) Administrative Special Uses.

(a) - (d) No change.

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

(f) Storage of unlicensed/inoperable vehicles.

(g) Temporary events.

(h) Trails and primary and secondary trailheads.

(5) Hearing Examiner Special Uses.

(a) – (e) No change.
Personal wireless services towers, subject to SCC 14.16.720.

Stockyards greater than 40 acres.

Dimensional Standards.

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

(b) No change.

(c) Maximum Height 50 feet. Shall conform to the Skagit County Building Code.

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

(7) No change.


(1) No change.

(6) Dimensional Standards.

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

(b) No change.

(c) Maximum Height 50 feet.

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

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

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

(d) No change.

14.16.175 Hamilton Industrial (H-I).

(1) No change.

(2) No change.

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

(a) - (c) No change.

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

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

(d) – (h) No change. [Note to code publisher: please renumber remainder of section as appropriate]

(4) Administrative Special Uses.

(a) – (d) No change.

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

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

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

14.16.190 Bayview Ridge Heavy Industrial (BR-HI).
(1) - (6) No change.
(7) Dimensional Standards.
(a) No change.
(b) Maximum height: 50 feet or consistent with the adopted building code of Skagit County and
shall conform to the applicable Federal Aviation Administration regulations concerning height
restrictions pursuant to the Airport Environ Overlay, SCC 14.16.210, whichever is less.
(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and fire towers are exempt from the maximum height, but shall conform to the applicable Federal Aviation Administration regulations. The height of personal wireless services towers are regulated in SCC 14.16.720.

(8) No change.

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

(10) - (9) Additional requirements related to this zone are found in SCC 14.16.210, 14.16.215, 14.16.600 through 14.16.900, 14.28, and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. O2006007 Exh. D § 3: Ord. 17938 Atch. F (part), 2000)

**14.16.210 Airport Environ Overlay (AEO).**

(1) - (7) No change.

(8) Notice and Acknowledgement to Purchasers Required (Airport Safety Zones 1 through 6). In Airport Safety Zone 2 a Notice, Acknowledgement and Waiver shall be signed in lieu of the following document. No permit of any type shall be issued for any development or activity on non-Port of Skagit County property subject to this Section, including subdivisions and binding site plan approvals, until the proponent executes and records with Skagit County the following notice and acknowledgement running with the land in the chain of title for the subject property:

[note to code publisher: Notice and Acknowledgement/Acknowledgement language to remain unchanged.]

(9) - (11) No change.

<table>
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<tr>
<th>SAFETY ZONE</th>
<th>LANDS WITHIN THE BAYVIEW RIDGE URBAN GROWTH AREA LAND USE</th>
<th>LANDS OUTSIDE THE BAYVIEW RIDGE URBAN GROWTH AREA NON-UGA LAND USE</th>
<th>OPEN SPACE</th>
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<tr>
<td>1</td>
<td>No change.</td>
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<td>2</td>
<td>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.</td>
<td>No new development allowed. One detached single-family dwelling unit provided Expanded Notice and Acknowledgement is required. 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.</td>
<td>30% open space</td>
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Existing structures and uses permitted to be replaced.

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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.

2 A 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).

(Ord. O20080009 (part); Ord. O20080007 (part); Ord. O20070009 (part); Ord. O20060007 Exh. D § 6; Ord. 17938 Atch. F (part), 2000)


1 (1) - (2) No change.

2 (3) General Regulations.

3 (a) – (b) No change.

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

5 (d) No change.

(1) - (4) No change.

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

(a) - (d) No change.

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

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

(6) - (7) No change.

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


(1) - (4) No change.

(5) Dimensional Standards.

(a) - (c) No change.

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

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

(e) - (h) No change.

(6) No change.

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


14.16.385 Hamilton Urban Reserve (H-URv).

(1) No change.

(2) No change.

(3) Administrative Special Uses.

(a) - (e) No change.

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

(g) Retail and wholesale nurseries/greenhouses.
(h) Riding clubs and stables if accessory to the existing resource use and no new structures are constructed.

(i) Seasonal roadside stands not exceeding 2,000 square feet, except as allowed in Subsection (2)(r) of this Section.

(j) Temporary events, provided no permanent structures are constructed.

(k) Temporary manufactured home.

(l) Trails and primary and secondary trailheads.

(4) Hearing Examiner Special Uses.

(a) – (g) No change.

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

(i) Temporary asphalt/concrete batching as defined and limited in Chapter 14.04 SCC, provided there is no other viable parcel of land to serve the purpose.

(5) No change.

(6) No change.

14.16.400 Agricultural – Natural Resource Lands

(1) – (4) No change.

(5) Dimensional Standards.

(a) Setbacks.

(i) Residential.

(A) Front: 35 feet minimum, 200 feet maximum from public road. Unless specified below or elsewhere in this Chapter, no portion of a structure shall be located closer than 35 feet from the front lot line and no portion of a structure shall be located further than 200 feet from the front lot line. If a parcel is located such that no portion or developable portion of the property is within 200 feet of a public road, the maximum 200-foot setback shall be measured from the front property line. The maximum setback may be waived by Planning and Development Services where critical areas, preventing the placement of residential structures, are located within the 200-foot setback area. The maximum setback may also be waived by Planning and Development Services in cases where nonfloodplain or nonprime agricultural land is located on the lot outside of the setback area, which would provide for a more appropriate placement of residential structures. In cases where a residence exists outside the setback area, residential accessory structures may be placed outside the setback area if located in accordance with the siting criteria outlined in Subsection (6) of this Section.

(B) - (D) No change.

(ii) No change.

(b) Maximum height: 40 feet or shall conform to the Skagit County Building Code.

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

(c) No change.

(6) Siting Criteria. In addition to the dimensional standards described in Subsection (5) of this Section, new, non-agricultural structures shall be required to comply with the following provisions:

(a) - (b) No change.

(c) When compatible structures exist on the subject property or adjacent properties, siting of new structures shall comply with the following prioritized techniques:

(i) - (ii) No change.

(iii) No change.

When the provisions of Subsection (6)(c)(i) or (6)(c)(ii) of this Section are not possible, site new structure(s) to achieve minimum distance from any existing compatible structure on either the subject property or an adjacent property. All development including but not
limited to structures, parking areas, driveways, septic systems, wells, and landscaping shall
be contained within an area of no more than 1 acre.

(7) No change.


(1) – (2) No change.

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

(a) No change.

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

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

(4) – (11) No change.

14.16.720 Personal wireless services facilities.

(1) – (11) No change.

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

(a) – (b) No change.

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

(i) No change.

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

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

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

(d) – (f) No change.

(13) - (20) No change.
14.16.820 Signs.

(1) - (2) No change.

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

(a) - (b) No change.

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

(d) - (n) No change.

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

(a) No change.

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

(c) - (k) No change.

(5) - (7) No change.

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

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

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

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

(c) No change.

(9) - (11) No change.

14.16.830 Landscaping requirements.

(1) No change

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

(3) No change

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

(a) Type I, Property Lines Other Than Street Frontage.
(i) No change.

(ii) Applicability.

(A) A 20-foot-wide Type I buffer is required on all development within SRT, BR-LI, BR-HI, NRI, H-I and RMI zones where it abuts URR, RI, RRv, RVR, BR-CC, BR-R, BR-URv, H-R, H-URv and R zoned land. Entire property lines need not be landscaped if applicant can demonstrate the activity (building or use) is adequately screened and agrees to additional Type I landscaping with future applications. A request for a reduction shall be by administrative decision pursuant to Chapter 14.06 SCC. Requirements for the NRI zone are found within that zone.

(B) No change.

(iii) No change.

(b) Type II, Property Lines Other Than Street Frontage.

(i) No change.

(ii) Applicability.

(A) A 10-foot-wide Type II buffer is required on all development within URC-I, AVR, BR-CC, RFS, RVC, RC, SSB, and RB zones where it abuts URR, RI, RRv, RVR, BR-R, H-R, H-URv and R zoned land. Entire property lines need not be landscaped if applicant can demonstrate the activity (building or use) is adequately screened and agrees to additional Type II landscaping with future applications. A request for a reduction shall be by administrative decision pursuant to Chapter 14.06 SCC.

(B) No change.

(iii) No change.

(c) Type III, Street Frontage.

(i) - (ii) No change.

(iii) Amount of Plantings.

(A) No change.

(B) Standards for URC-I, RVC, RC, SSB, and R Zones.

(I) - (III) No change.

(d) Type III, Street Frontage in RVC in Alger.

(i) Description. Type III landscaping is intended to provide aesthetic enhancement, retain the natural landscape character and soften the appearance of streets, parking areas and building elevations of applications subject to this Section.

(A) An 8-foot-wide Type III buffer is required on the street frontage of all development within the Alger RVC zone. Stormwater biofiltration is encouraged to be incorporated into any landscaped area. Parking must be located to the side and rear of buildings or in on-street parking lanes. In the Rural Village Commercial area north of Alger Cain Lake Road, the pathway may be in the outside 20 feet of the 100-foot wide Old State Route 99 right of way.

(B) Type III landscapes may be applied as conditions to discretionary land use applications.

(ii) Amount of Plantings.

(A) Street trees in the amount of one tree per 30 feet of street frontage. All street trees shall be deciduous. Trees may be grouped informally to enhance the rural environment.

(B) Shrubs and groundcover so that the ground will be covered within 3 years.

(iii) Pedestrian and Bicycle Pathways.

(A) Street frontage shall include a pedestrian pathway at least 5 feet wide. The pathway may be constructed of crushed rock or asphalt. In the Rural Village Commercial area north of Alger Cain Lake Road, the pathway may be in the outside 20 feet of the 100-foot wide Old State Route 99 right of way. Bicycle paths north Alger Cain Lake Road shall be located within the inner 60-foot right of way.

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

(6) No change.

14.16.850 General provisions.

(1) - (3) No change.

(4) Development of Lots of Record.

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

(b) No change.

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

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

(ii) - (vi) No change.

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

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

(B) No change.

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

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

(B) No change.

(d) - (f) No change.

(5) - (9) No change.
14.16.900 Special use permit requirements.

(1) Special Uses.
   (a) No change.
   (b) Process/Authority for Special Use Permit.
      (i) - (iv) No change.
      (v) The burden of proof shall be on the applicant to provide evidence in support of the
      application. The criteria for approval or denial shall include the following elements:
      (A) - (G) No change.
      (H) The proposed use will be supported by adequate public facilities or services and will
      not adversely affect public services to the surrounding areas, or conditions can be
      established to mitigate adverse impacts on such facilities.
      (I) Maintains the character, landscape and lifestyle of the rural area. For new uses,
      proximity to existing businesses operating via special use permit shall be reviewed and
      considered for cumulative impacts.
   (c) No change.
   Approved special uses identifiable through the Department’s permit tracking system shall be
   shown on the official zoning mapped upon request.
   (d) All special uses, including master planned resorts, shall require a development project be
   commenced for the entire parcel within 2 years of the permit approval, unless development is
   phased. For the purposes of this Section, “commenced” shall mean either (1) the use permitted
   by the permit has been established or (2) a complete building permit has been filed with
   Planning and Development Services for the principal building which will allow the use. Upon
   building permit approval, the principal building shall be completed (i.e., final inspections
   completed) within 3 years. Those portions of the property, which are not included within the
   development area and where the above time frames are not met, shall automatically be removed
   from the special use approval, unless a phasing plan is approved pursuant to Subsections (i) –
   (iii) below (1)(e)(iii)(A) and (B) of this Section. For purposes of this Subsection, “development
   area” shall mean all portions of the site needed to meet UDC requirements, such as lot coverage
   and setbacks.
      (i) - (iii) No change.
   (2) Special Uses with Specific Criteria.
      (a) – (d) No change.
      (e) Home Based Business 2. Special use permits are subject to the following criteria:
      (i) - (viii) No change.
      It should be noted that the intent of this category of special uses is to allow home based businesses to
      operate with the above-noted limitations. When the business grows beyond the criteria established
      above and the conditions included in any approval, the business shall relocate to a zoning
      classification which would permit the activity.
      (f) Home Based Business 3. Special use permits are subject to the following criteria:
      (i) - (vi) No change
      (vii) May have clients come to the site; Maintains the character, landscape and lifestyle of the
      rural area. For new uses, proximity to existing businesses operating via special use permit
      shall be reviewed and considered for cumulative impacts;
      (viii) If established after June 1, 1997, shall not be used as justification for future Comprehensive
      Plan amendment and/or rezone requests. May have clients come to the site;
      (ix) If established after June 1, 1997, shall not be used as justification for future Comprehensive
      Plan amendment and/or rezone requests.
      It should be noted that the intent of this category of special uses is to allow home based businesses to
      operate with the above-noted limitations. When the business grows beyond the criteria established
      above and the conditions included in any approval, the business shall relocate to a zoning
      classification which would permit the activity.
(g) Master planned resorts pursuant to Chapter 14.20 SCC. Special use permits for master planned resorts are also subject to the following criteria:

(i) – (ii) No change.

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

(h) No change.

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

(i) – (xiv) No change.

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

(3) No change.

14.18 Land Divisions

14.18.100 Preliminary subdivisions.

(1) – (2) No change.

(3) Review Process.

(a) - (b) No change.

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

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

(e) No change.

(4) – (7) No change.

14.18.500 Binding site plans.

(1) - (3) No change

(4) Review Process.

(a) No change.

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

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

(5) - (9) No change.

14.18.700 Boundary line adjustments.

(1) Purpose. The purpose of this Section is to provide procedures and criteria for the review and approval of minor adjustments to boundary lines of lots of record or building sites in order to rectify defects in legal descriptions, to allow the enlargement or merging of lots to improve a building site including increased protection of critical areas, to achieve increased setbacks from property lines or critical sensitive areas, to correct situations wherein an established use is located across a lot line, to combine substandard lots of record pursuant to SCC 14.16.850(4)(a) and 14.18.000(9)(a), or for other similar purposes.
(2) Procedures and Limitations of the Boundary Line Adjustment Process. Adjustment of boundary lines between adjacent lots shall be consistent with the following review procedures and limitations:

(a) Applications for boundary line adjustments shall be reviewed as a Level I permit as provided in Chapter 14.06 SCC. The review shall include examination for consistency with Chapter 14.16 SCC, Zoning, Chapter 14.26 SCC, Shorelines, applicable Board of Health regulations, and, for developed lots, International Fire and Building Codes.

(b) - (c) No change.

(d) A boundary line adjustment proposal shall not:

(i) - (ii) No change.

(iii) Result in a lot that does not meet the requirements of 14.24 SCC, Critical Areas, or qualify as a building site pursuant to Board of Health Department requirements for sewer and water.

(iv) - (v) No change.

(3) No change.

14.24 Critical Areas Ordinance

14.24.090 Protected critical areas (PCA) requirements.

(1) PCA. Approval of projects which trigger a development permit and/or other land use activities that require critical areas site assessment(s) shall require the identification and designation of PCAs. PCAs shall include all critical areas and their associated buffers as well as all areas on the parcel not investigated for critical areas. PCAs shall be depicted on a site plan, suitable for recording, and shall include all critical areas and associated buffers which have been identified through the site assessment process.

(a) The PCA is to be left undisturbed in its natural state. No clearing, grading, filling, logging, or removal of woody material; building; construction or road construction of any kind; planting of non-native vegetation or occupation by livestock is allowed within the PCA areas except as specifically permitted by Skagit County on a case-by-case basis.

(2) - (5) No change.

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

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

(1) – (3) No change.

(4) The following shall be subject to a 6-year moratorium on all future activities which require a permit or land use approval from the County:

(a) No change.

(b) When the County receives a notice of conversion to nonforestry use from DNR under RCW 76.09.460 or; Where an undeclared conversion of forested land to a specified use has occurred under a non-conversion forest practice application (FPA) without an approved COHP in good standing

(c) No change.

(5) – (6) No change.

14.28 Concurrency
14.28.020 Development exempt from project concurrency review.
All development shall undergo project concurrency review unless specifically exempt as follows:
(1) No change
(2) Exempt Types or Levels of Development. Permits for the following types or levels of development are exempt from project concurrency review:
   (a) Single-family dwelling unit/home.
   (b) No change.
   (d) Any addition to, renovation or replacement of a residential structure with no change in use and no more than 1 additional dwelling unit added, such as reroofing.
   (e) No change.
(3) No change.

14.44 Enforcement

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

14.44.120 Appeal.
Appeal to the Hearing Examiner. Appeals of the notice and order must be made in writing within 14 calendar days of the receipt of the order to the Skagit County Hearing Examiner pursuant to SCC 14.06 (Ord. O20050003 (part); Ord. 17938 Attch. F (part), 2000)
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
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: ____________________
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