



PLANNING & DEVELOPMENT SERVICES

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MEMORANDUM

To: Skagit County Board of Commissioners
From: Carly Ruacho, Senior Planner
Date: June 1, 2009
Re: Proposed Code Amendments

The Department is recommending a series of code amendments to the Planning Commission for consideration. Most amendments are minor in nature and can be classified as 'house-keeping' that are necessary to address such things as typographical errors, inadvertent additions or omissions, and to provide clarity or consistency.

The following list highlights some of the more substantive proposed changes:

- Addition of definitions for remodel, repair and replacement.
- Modification of 'substantial improvement' as it relates to the Flood Damage Prevention provisions as well as amendments to the Flood Damage Prevention provisions themselves relating to limits on construction, reconstruction or repair within the designated floodway.
- Inclusion of process and approval criteria for UGA boundary modification proposals.
- Clarification of County Commissioner options relating to legislative proposals.
- Codification of Alger Community Plan provisions relating to development, landscaping, etc.
- Clarification of Rural Business expansion potential, requirements, and formula for calculation.
- Addition of requirements necessary to comply with State law which requires the County to assume jurisdiction of conversion permits.

Attached is a list identifying all the proposed changes (115 total amendments) and the effect of the proposed change. The list is comprehensive but purposefully brief and meant to aid decision makers and the public in understanding the proposal at-a-glance. The actual code language is still being refined and with your concurrence, the Department will finalize the proposal and proceed through the public review process according to the schedule outlined below.

The processing schedule for the amendments is proposed as follows:

June 12th	Release Draft Regulations for Public Review
June 30th	Planning Commission Public Hearing
July 14th	Planning Commission Deliberations
August	BoCC Review and Possible Adoption

Please feel free to contact me at extension 5582 with any questions you may have.

**NOTICE OF AVAILABILITY AND PUBLIC HEARING
SKAGIT COUNTY PLANNING COMMISSION
REGARDING PROPOSED AMENDMENTS TO SKAGIT COUNTY CODE UNIFIED DEVELOPMENT CODE,
TITLE 14, SECTIONS 14.04 *DEFINITIONS*, 14.06 *PERMIT PROCEDURES*, 14.08 *LEGISLATIVE*, 14.10
VARIANCES, 14.12 *SEPA*, 14.14, *DEVELOPMENT AGREEMENTS*, 14.16 *ZONING*, 14.18 *LAND
DIVISIONS*, 14.24 *CRITICAL AREAS ORDINANCE*, 14.28 *CONCURRENCY*, 14.34 *FLOOD DAMAGE
PREVENTION*, AND 14.44 *ENFORCEMENT*.**

Notice is hereby given that the Skagit County Planning Commission will hold a public hearing to receive public comment on the above described proposed amendments to Skagit County Code.

The purpose of the proposed code amendments relates to correcting typographical errors adding clarity, rectifying inconsistencies, including needed provisions, and general refinement of the existing regulations.

Skagit County Planning & Development services issued a Determination of Non-significance (DNS) on June 8, 2009, which was published on June 11, 2009, regarding these proposed code amendments. This threshold determination indicated that the proposal did not have a probable significant adverse impact on the environment. A 14-day comment period is associated with the threshold determination pursuant to RCW 43.21C and WAC 197.11.

The public hearing will be held on Tuesday, June 30, 2009, in the Skagit Room of the Skagit County Commissioners' Administrative Building located at 1800 Continental Place Mount Vernon, Washington, beginning at 6:00 p.m. or as soon thereafter as possible and continuing until no further comment is forthcoming. Deliberations on the matter are scheduled to be held on July 14, 2009.

Further information and/or copies of the proposed code amendments will be available beginning on Friday, June 12, 2009, at the Planning & Development Services office, 1700 E. College Way, Mount Vernon, Washington, between 8:00 a.m. and 4:30 p.m., Monday through Friday. These documents will also be available on the Planning & Development Services website www.skagitcounty.net/planning.

Your views for or against the proposed modifications are invited by attendance, representation, or letter. Written correspondence, including facsimile transmittal or questions, may be submitted to: Skagit County Planning and Development Services, c/o Carly Ruacho, 1800 Continental Place, Mount Vernon, Washington, 98273, (360) 336-9410 or FAX (360) 336-9416. Written comments (faxed, mailed, or delivered) will be received at the Planning & Development Services Department until 4:30 p.m. on Friday, June 26, 2009. Written comments may also be submitted at the public hearing. E-mails will not be accepted.

Written correspondence submittal requirements. Comments on the proposal must be submitted on 8 ½" x 11" paper. Maps must be in black and white and also reduced to 8 ½" x 11" size for reproduction purposes. Submittals not meeting these requirements will, unfortunately, not be considered. Please specifically reference the proposed ordinance or issue that the comments relate to.

For citizens with special needs, the Skagit Room is accessible. Persons with special needs or disabilities are asked to call the Commissioners' Office at (360) 336-9300 at least 96 hours before the hearing to discuss and arrange any needed accommodations.

Transmitted to the Skagit Valley Herald on June 9, 2009
To be published on June 11, 2009

**Skagit County Code Amendment Concepts
2009 Update**

#	Code Section	Effect of Change
	14.04.020 Definitions	
0	Approving Authority	Modify definition to delete conflicting language inadvertently included during the CAO update.
1	Biologist	Delete obsolete definition.
2	Critical area designation	Delete obsolete definition.
3	Critical area indicators	Delete obsolete definition.
4	Delineation	Delete obsolete definition.
5	Development	Modify definition to delete erroneous addition of 'not'.
6	Dwelling unit, efficiency	New definition for term used in SCC 14.16.850.
7	Family	Modify definition for consistency with governing statutes.
8	Geologist	Delete obsolete definition.
9	Group care facility	Modify definition for consistency with governing statutes.
10	Major utility development	Consolidate definition under modified utilities definition.
11	Minor utility development	Consolidate definition under modified utilities definition.
12	Misinformation	Modify definition for clarity.
13	Remodel	New definition for term used throughout Title 14.
14	Repair	New definition for term used throughout Title 14.
15	Replacement	New definition for term used throughout Title 14.
16	Riparian area	Amend definition to clarify applicability only to streams and rivers.
17	Riparian vegetation	Delete obsolete definition.
18	Seasonal roadside stand	Modify definition to clarify limits for Ag promotional items.
19	Setback	Modify definition to apply to planned streets.
20	Species of local importance	Delete obsolete definition.
21	Substantial improvement	Modify definition to clarify cumulative nature of improvement calculations.
22	Temporary	Modify definition to clarify application to RVs.
23	Threatened species	Delete obsolete definition.
24	Upland	Delete obsolete definition.
25	Utilities	Rename to Utility Developments, consolidate classifications of utilities, and include new classification of major regional utility.
26	Wetland functions	Delete obsolete definition.
27	Wetland professional	Delete obsolete definition.
28	Wetland reconnaissance	Delete obsolete definition.
29	Wetland and/or stream specialist	Delete obsolete definition.
30	Wildlife habitat specialist	Delete obsolete definition.
	14.06 Permit Procedures	
31	14.06.030(1) and (2)	Correct typographical error relations vs. regulations.
32	14.06.045(1)(b)	Include language addressing lots previously restricted from development.
33	14.06.050(1)(a)	Add Notice and Order to Abate.

**Skagit County Code Amendment Concepts
2009 Update**

#	Code Section	Effect of Change
34	14.06.050(1)(a)(iv)	Correct permit level reference.
35	14.06.050(1)(a)(xi)	Clarify applicability to desired permit types.
36	14.06.050(1)(b)(iv)	Clarify County ability to request Admin. Interpretations.
37	14.06.050(1)(c)(i)-(ii)	Transfer project-level review from PC to HE.
38	14.06.050(1)(d)	Correct erroneous reference to HE for Level IV applications.
39	14.06.060	Correct erroneous reference to highest permit level.
40	14.06.110(15)(f)	Correct timelines and process when hearing requested.
41	14.06.150(2)(a)	Remove exemptions to public notice requirements for forest practice applications.
42	14.06.150(2)(d)(iii)	Include requirement to notify physical addresses for 500' consistent with requirements for 300'.
43	14.06.160(8)	Correct erroneous citations.
44	14.06.230(1)	Except SEPA [DNS or all?] thresholds from Stay of Proceeding provisions.
	14.08 Legislative	
45	14.08 (except 14.08.010, 14.08.100, 14.08.110)	General revisions including but not limited to: Inclusion of all rezone criteria within CPA requirements, Amend SRT CPA requirements to require business plan, Modify redesignation language/timeframes for commercial and industrial zoning, Amend exception to once per year CPA language to reflect RCW36.70A.013(2)(b), Clarify 'except rezones in UGAs' language – rezone only, Include UGA modification criteria.
	14.10 Variances	
46	14.10.010	Clarify purpose of variances as generally to dimensional standards.
47	14.10.020(1)(f)	Add new section to address CAO variances 25-50%.
48	14.10.020(3)	Clarify that only certain sections are eligible for variances.
	14.12 SEPA	
49	14.12.210(1)	Modify language to clarify no admin appeals for 'non-project' actions and only 1 admin. appeal.
50	14.12.220(2)	Correct typographical error 'bc' to 'be'.
	14.14 Development Agreements	
51	14.14.020(1)	Clarify County discretion for entering into agreements.
52	14.14.040(3), (6)	Correct permit level citations for consistency w/ 14.06.
	14.16 Zoning	
53	14.16 (throughout)	Amend building height requirements.
54	14.16.020(3)	Add code construction section clarifying use hierarchy.
55	14.16.100	Amend to include specific standards for Alger.

**Skagit County Code Amendment Concepts
2009 Update**

#	Code Section	Effect of Change
56	14.16.110(2)(h)	Remove redundant use (laundromat), remove 'and' on (n).
57	14.16.120(5)(a)(ii)	Correct erroneous reference to front parking.
58	14.16.120(5)(b)(iii)	Reorganize storage provisions to separate subsection.
59	14.16.150(2)(b)	Clarify examples of change of use allowances.
60	14.16.150(2)(c)	Clarify RB expansions relation to gross floor area.
61	14.16.150(4)(d)	Clarify RB expansions relation to gross floor area.
62	14.16.155(1)	Clarify purpose to allow public and private services.
63	14.16.155(7)	Add new (7) to include BVR infrastructure standards.
64	14.16.155(8)	Include appropriate citations within former (7).
65	14.16.160(3)	Add uses with lower thresholds than (4)(c) and (d). Also add 'usual accessory storage'.
66	14.16.160(5)(f)	Lower permit level to (4) for consistency with 14.16.720.
67	14.16.160(6)(a)	Eliminate unnecessary and redundant setback language.
68	14.16.170(6)(a)	Amend confusing language – clarify setback requirements.
69	14.16.175(3)-(4)	Add uses with lower thresholds than (4)(c) and (d).
70	14.16.175(5)(f)	Lower permit level to (4) for consistency with 14.16.720.
71	14.16.175 (6)(a)	Eliminate unnecessary and redundant setback language.
72	14.16.180(9)	Add new (9) to include BVR infrastructure standards.
73	14.16.180(10)	Include appropriate citations within former (9).
74	14.16.190(9)	Add new (9) to include BVR infrastructure standards.
75	14.16.190(10)	Include appropriate citations within former (9).
76	14.16.210(8)	Amend table to remove the prohibition on new structures.
77	14.16.215(3)(c)	Correct lang. to ensure correct interpretation 'in the UGA'.
78	14.16.340(8)	Add new (8) to include BVR infrastructure standards.
79	14.16.340(9)	Add new (9) to include additional requirements provision.
80	14.16.350(7)	Add new (7) to include BVR infrastructure standards.
81	14.16.350(8)	Include appropriate citations within former (7).
82	14.16.385(3)(f)	Increase permit level to (4) for consistency with 14.16.720.
83	14.16.400(5)(a)(i)(A)	Clarify 200' setback provision included entire structure.
84	14.16.400(6)(c)(iii)	Include language from (6)(b) regarding restrictions.
85	14.16.440(3)(b)-(c)	Modify language regarding pre-existing, permitted mines.
86	14.16.600(1)	Clarify intent of section to process specified uses as Unclassified Special Uses.
87	14.16.720	Amend zoning districts/permit levels regarding cell towers.
88	14.16.820(3)(c)	Correct language regarding roof/wall mounted signs.
89	14.16.820(4)(b)	Include requirements specific to RVC in Alger.
90	14.16.820(8)	Include requirements specific to Alger.
91	14.16.830(2)	Clarify use types required to meet landscape provisions.
92	14.16.830(4)	Add UGA zones to landscaping regulations as applicable.
93	14.16.830(4)(d)	Insert new regulations for RCV in Alger.
94	14.16.830(5)	Include new language regarding landscape requirements for remodeled buildings.
95	14.16.850(4)(a)	Include 'not for development' provision for standard lots.

**Skagit County Code Amendment Concepts
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#	Code Section	Effect of Change
96	14.16.850(4)(c)(i)	Amend to clarify that previous restrictions for development are not circumvented by lot cert exemptions.
97	14.16.850(4)(c)(vii)(A)	Remove outdated reference to Uniform Building Code.
98	14.16.850(4)(c)(viii)(A)	Amend Fidalgo/Guemes Is. language in (A).
99	14.16.900(1)(b)(v)	Add cumulative review/rural character criteria (HBB 3).
100	14.16.900(1)(c)	Amend language regarding Special Use mapping requirements.
101	14.16.900(1)(d)	Correct erroneous code citation in last sentence.
102	14.16.900(2)(e)-(g)	Correct placement of erroneous HBB language and transfer cumulative review/rural character provisions.
103	14.16.900(2)(i)(xv)	Add 'may refuse to issue' language fro (xiv), also remove 'found'.
	14.18 Land Division	
104	14.18.000(5)(h)	Add date certain for fire district inclusion for IF, SF & RRc
105	14.18.100(3)(c)-(d)	Correct permit level citations for consistency w/ 14.06.
106	14.18.310(5)(b)	Include new language to address Forest Practice permit changes.
107	14.18.500(4)(b)-(c)	Correct permit level citations for consistency w/ 14.06.
108	14.18.700(1)-(2)	Modify language for consistency including with 14.24.
	14.24 Critical Areas Ordinance	
109	14.24.070(13)	Include new section to address Forest Practice permit changes.
110	14.24.090(1)	Included language from 14.24.090(5)(e) for consistency.
111	14.24.110(4)(b)	Modify current forest practice provisions to reflect state law i.e. no moratorium for non-conversion violation.
112	14.24.520	Reorganization for better flow and understanding.
113	14.24.530	Restoration of previously removed language to clarify intent.
	14.28 Concurrency	
114	14.28.020(2)(a)	Correct usage of 'single family dwelling unit'.
115	14.28.020(2)(d)	Clarify exemption applies only to residential structures.
	14.34 Flood Damage Prevention	
116	14.34.190(2)	Modify (a) and (b) such that compliance with each is required – 'except for both of the following'.
117	14.34.190(2)(b)	Modify repair, reconstruction, improvement provision to calculate 50% limit cumulatively over 10 year period.
	14.44 Enforcement	
118	14.44.110(2)(a)(v)(C)	Amend timelines for consistency with 14.06.
119	14.44.120	Correct process language for better implementation.

Skagit County Code Amendment Proposals 2009 Update

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).

Biologist: a person having specific relevant expertise who has a minimum of a Bachelor of Science degree in biological sciences or related field from an accredited college or university and/or with equivalent relevant training in fish and wildlife biology and substantial demonstrated experience as a practicing biologist.

Critical area designation: legal identification and specification for regulatory purposes of critical areas (wetlands, aquifer recharge areas, geologically hazardous areas, and fish and wildlife habitat) by definition through the assessment of site specific conditions. (Exception: Frequently Flooded Areas shall be designated on the Flood Insurance Rate Maps.)

Critical area indicators: site specific features such as vegetation, soils, hydrology, topography or other environmental features established through a site visit or other means that indicate that critical areas are or may be present at a particular location. For critical areas such as aquifer recharge areas, where indicators cannot be identified through a site visit, indicators may be identified through use of critical area maps or other resources.

Delineation: the precise determination of wetland boundaries in the field according to the application of specific methodology as described in the Washington State Wetlands Identification and Delineation Manual, Washington State Department of Ecology publication No. 96-94.

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 floor area of not less than 220 square feet and contain a separate closet. The unit shall contain 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. The unit shall also contain a separate bathroom including a water closet, lavatory and bathtub and/or shower.

Family: an individual, or 2 or more persons related by blood or marriage, or court-approved process, or a group of not more than 5 persons who are not related by blood, marriage, or court-approved process excluding unrelated, handicapped individuals protected under the Federal Fair Housing Amendments Act and RCW 35A.63.240.

Geologist: a person having specific relevant expertise who has received a degree in geology from an accredited college or university, or a person who has equivalent educational training and substantial demonstrated experience as a practicing geologist.

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

1 counseling, rehabilitation, and medical supervision, not exceeding more than 20 residents and staff. If
2 staffed by nonresident staff, each 24 staff hours per day equals 1 full-time residing staff member for
3 purposes of determining number of staff. Living quarters for unrelated, handicapped individuals
4 protected under the Federal Fair Housing Amendments Act and RCW 35A.63.240 shall not be
5 considered a group care facility.

6
7 ~~**Major utility development:** utility developments designed to serve a broader community area, or are~~
8 ~~manned.~~

9
10 ~~**Minor utility development:** utility developments designed to serve a small local community, are not~~
11 ~~manned and would be considered normal utility services for the area.~~

12
13 **Misinformation:** the submittal of incorrect information regarding the nature and/or location of the a
14 proposed activity as presented in the application, or the submittal of incorrect information regarding the
15 presence of a critical area or critical area indicators on the a subject property, which the applicant knew or
16 should have reasonably known was relevant incorrect at the time the information was submitted of the
17 submittal of the checklist.

18
19 **Remodel:** To renew, renovate or make over a part of an existing building for the purpose of its
20 appearance or layout. Remodel may include repair or relocation of interior walls but does not include
21 repair, replacement or relocation of any of the exterior floors, walls or roof.

22
23 **Repair:** The reconstruction of a part of an existing building for the purpose of its maintenance or as a
24 result of damage. Repair may include replacement of individual components of an assembly, such as
25 components of a wall or a roof, but does not include replacement of the entire assembly. Where repair is
26 required to more than 75% of the assembly, the assembly is considered to be replaced.

27
28 **Replacement:** To put something new in place of something existing as a substitute, such as a building or
29 structure, or part of a building or structure. When the value or extent of the work proposed, as determined
30 by the Department, exceeds 75% of the pre-construction value or extent of the building, structure or
31 assembly, the building, structure or assembly is deemed to be completely replaced.

32
33 **Riparian area:** areas adjacent to aquatic systems rivers and streams that contain elements of both aquatic
34 and terrestrial ecosystems that mutually influence each other. Widths shall be measured from the ordinary
35 high water mark or from the top of bank if the ordinary high water mark cannot be identified. Riparian
36 habitat areas include those riparian areas severely altered or damaged due to human development
37 activities.

38
39 ~~**Riparian vegetation:** means vegetation that tolerates and/or requires moist conditions and periodic free~~
40 ~~flowing water, thus creating a transitional zone which provides shade and food sources of aquatic and~~
41 ~~terrestrial insects for fish. Riparian vegetation and their root systems stabilize river and stream banks,~~
42 ~~attenuate high water flows, and provide limbs and other natural debris which, in turn, stabilize river and~~
43 ~~stream beds. The benefits of vegetation cover and food sources and the availability of water in riparian~~
44 ~~corridors mean that they are likely to be preferentially used by wildlife and enable wildlife movement~~
45 ~~between wetlands and along streams, rivers and lakes.~~

46
47 **Seasonal roadside stand:** small retail establishment accessory to an actively managed, ongoing
48 agricultural operation dedicated exclusively to the sale of agricultural products and agricultural
49 promotional items. A majority of the agricultural products must be grown on-site or be a product of the
50 primary agricultural operation located in Skagit County. All agricultural promotional products shall be
51 accessory to the primary use of the stand for agricultural products and shall be directly related to the

1 agricultural operation and located solely within the stand. Signage is allowed per SCC 14.16.820.

2
3 **Setback:** a line generally parallel with and measured from the lot line, existing or planned street or road
4 right-of-way, easement or driven surface (whichever is most restrictive) defining the limits of an area in
5 which no above-ground buildings, structures or junk may be located. Setbacks do not apply to fences 6
6 feet or less in height, retaining walls 4 feet or less in height, landscaping, free-standing signs, or paved
7 areas.

8
9 ~~**Species of local importance:** those species that may not be endangered, threatened or sensitive from a~~
10 ~~State-wide perspective, but are of local concern due to their population status, sensitivity to habitat~~
11 ~~manipulation, or other educational, cultural or historic attributes.~~

12
13 **Substantial improvement:** any ~~remodel~~rehabilitation, addition, or other improvement of a building when
14 the cost of which as calculated cumulatively with any previous improvements the improvement equals or
15 exceeds 50% of the market value of the building before start of construction of the improvement. The
16 term includes buildings which have incurred ~~substantial damage or damage~~ of any origin sustained by a
17 building when the cost of restoring the building to its pre-damaged condition as calculated cumulatively
18 with any previous restoration would equal or exceed 50% of the market value before the damage
19 occurred. The costs of any such improvements or restorations shall be calculated cumulatively with any
20 other activity occurring during the previous 10 years and the total of all improvements or repairs shall not
21 exceed 50% of the market value of the building as established in the first year of the 10 year period.
22 Substantial improvement does not include any project for improvement of a building to correct existing
23 violations of State or local health, sanitary or safety code specifications which have been previously
24 identified by the local code enforcement official and which are the minimum necessary to assure safe
25 living conditions.

26
27 **Temporary:** as the term relates to pre-manufactured or site-built structures, and recreational vehicles
28 (including park model trailers), means occupied and existing on a lot for no more than 180 days during
29 any 12-month period unless otherwise stipulated through official approval.

30
31 ~~**Threatened species:** a species, native to the State of Washington, that is likely to become endangered in~~
32 ~~the foreseeable future throughout a significant portion of its range within the State without cooperative~~
33 ~~management or the removal of threats as designated by WAC 232-12-011.~~

34
35 **Type 1 to 5 waters:** ~~see definitions in WAC 222-16-030.~~

36
37 ~~**Upland:** shall mean those shoreline areas landward of the ordinary high water mark (OHWM) except~~
38 ~~backshores, natural wetlands and floodplains.~~

39
40 ~~Utilities~~ **Utility Development:** includes, but ~~is~~are not ~~necessarily~~ limited to, facilities and services that
41 generate, transport, process, or store water, sewage, solid waste, electrical energy, communications and
42 pipelines for fuel, oil, natural gas, and petroleum products. A utility development is one of the following
43 types:

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

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

48 (3) Major regional utility development: a utility development that meets the definition of an essential
49 public facility, including, but not limited to power generation facilities, solid waste handling facilities, and
50 regional wastewater treatment facilities. Major regional utility developments require unclassified use
51 permits.

1 ~~**Wetland functions:** those natural processes performed by wetland, such as facilitating food chain~~
2 ~~production, providing habitat for nesting, rearing and resting sites for aquatic, terrestrial or avian species,~~
3 ~~maintaining the availability and quality of water acting as recharge and discharge areas for groundwater~~
4 ~~aquifers, moderating surface water and stormwater flows and other functions including but not limited to~~
5 ~~those identified in CFR 320.4(b)(2).~~

6
7 ~~**Wetland professional:** a person who has earned a minimum of a bachelor's or master's degree in~~
8 ~~biology, natural resources, or physical sciences with specific or related course work in wetland~~
9 ~~ecology, botany, hydrology or soils science from an accredited college or university, and 2 years of~~
10 ~~professional experience in wetland delineation, functional assessment, and mitigation techniques or~~
11 ~~equivalent experience.~~

12
13 ~~**Wetland reconnaissance:** a site assessment of wetlands in accordance with the methodologies stipulated~~
14 ~~in the manual adopted under RCW 36.70A.175 pursuant to RCW 90.58.380.~~

15
16 ~~**Wetland and/or stream specialist:** a person who has earned a bachelor's degree in science with specific~~
17 ~~or related course work in wetland and/or stream ecology, hydrology or soils science from an accredited~~
18 ~~college or university and 2 years of professional experience in wetland delineation, and stream and~~
19 ~~wetland functional assessment and mitigation or equivalent experience.~~

20
21 ~~**Wildlife habitat specialist:** a person having specific relevant expertise who has earned a bachelor's~~
22 ~~degree in wildlife biology or ecology or has other equivalent professional experience, education and~~
23 ~~expertise in the scientific disciplines necessary to identify, evaluate and manage habitat.~~

24 25 **14.06 Permit Procedures**

26 **14.06.030 Foundation of project review.**

- 27 (1) Fundamental land use planning choices made in adopted Comprehensive Plans and development
28 regulations shall serve as the foundation for development permit review. Development permit
29 review shall not be used for comprehensive planning purposes. Development permits shall be
30 reviewed for consistency, conformity and compliance with applicable adopted plans and
31 development ~~regulations~~relations.
32 (2) During development permit review, the County shall not re-examine alternatives to or hear appeals
33 from fundamental land use planning choices made in the Comprehensive Plan or adopted
34 development ~~regulations~~relations, except for issues of plan or code interpretation. If during
35 development permit review deficiencies are identified in the Comprehensive Plan or in
36 development regulations, development permit review shall continue under existing plans and
37 regulations and any identified deficiencies shall be docketed for consideration on at least an annual
38 basis, consistent with the provisions of Chapter 14.08 SCC. (Ord. 17938 Attch. F (part), 2000)

39 **14.06.045 Lot certification.**

- 40 (1) Lot certification shall be the administrative review process completed to determine whether a lot is
41 legally created and, therefore, eligible for conveyance and whether or not the lot will be considered
42 for development permits, as follows:
43 (a) No change.
44 (b) Development. If a lot of record is certified under Subsection (1)(a) of this Section, the County
45 shall also determine whether or not the lot of record will be considered for development permits.
46 To be considered for development permits, the lot of record must be available for development
47 purposes, and either meet the minimum lot size requirements of the zoning district in which it is
48 located, or, if the lot of record does not meet the minimum lot size requirements of the zoning
49 district in which it is located (a "substandard lot of record"), it must meet 1 or more of the

exemptions identified in SCC 14.16.850(4)(c). Lots restricted from development by prior County decision or action (i.e. plat notes, open space designation, or other means) shall not be considered for development purposes regardless of lot size.

(2) - (8) No change.

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.

Level I applications include:

(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 and land use approvals prior to it's 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)(xv)~~ 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) 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)(B) 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.~~
- (A)(D) ~~Other rRecommendations~~ 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 CommissionersHearing Examiner. 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 ~~IVH-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, aA public hearing on the proposed subdivision shall be held (and the subdivision shall therefore be processed as a Level IIH-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) Exemption. A Notice of Development Application pursuant to this Section shall not be required for:

(i) – (iv) No change.

~~(v) Forest practice conversions.~~

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

(b) – (c)

(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 ~~14.02.070~~~~14.06.240~~ and ~~14.02.080~~~~14.06.250~~, 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~~ ~~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

14.08.020 Petition for amendments to the Comprehensive Plan/rezones.

(1) Comprehensive Plan amendments consist of ~~three (3)~~² types: policy amendments, ~~and~~ map amendments ~~not associated with Urban Growth Area boundary modifications, and map amendments proposing modification of an Urban Growth Area boundary. Comprehensive Plan amendments associated with the modification of an Urban Growth Area boundary shall be referred to as UGA modification proposals. Rezones shall be processed in conjunction with map amendments with the exception of rezones of those lands located within an urban growth area.~~

(2) Comprehensive Plan policy amendments or map amendments, ~~excluding UGA modification proposals~~, may be initiated by the County or by other entities, organizations, or individuals. Written petitions for Comprehensive Plan amendments are required to be filed with the Department by all parties other than the County. Petitions for UGA modifications shall only be accepted from the

- 1 affected jurisdiction (city/town for municipal UGA, tribe for tribal UGA, Skagit County for Bayview
2 Ridge UGA). through petitions filed with the Department by the following dates:
- 3 (a) On or before the last business day of July of each year, except when the proposal is to modify a
4 municipal urban growth area boundary; or
- 5 (b) When a Comprehensive Plan/Zoning Map amendment is proposed to modify a municipal urban
6 growth area boundary, then the amendment petitions must be submitted to the Department by the
7 last business day of March. The Department shall forward a copy of the amendment petition to
8 the relevant municipality for their review. The municipality must respond in writing to the
9 Department, by the last business day of July, with a recommendation for modification, approval,
10 or denial. Such a recommendation must include appropriate findings of fact and conclusions in
11 support of the recommendation, and in particular, how the recommendation conforms to the
12 criteria set forth in Subsection (5)(b) of this Section.
- 13 (3) Petitions for Comprehensive Plan amendments and/or rezones, excluding UGA modification
14 proposals, must be submitted on or before the last business day of July (see subsection (5) below for
15 UGA modification proposal timing requirements). County initiated rezone and/or Comprehensive
16 Plan amendment proposals shall not be subject to the July submittal deadline. All pProposed rezones
17 and amendments to the Comprehensive Plan shall be considered on an annual basis (no more
18 frequently than once per year), according to the schedule provided in this Chapter so that the
19 cumulative effect of all proposalse amendments may be considered; provided, however, the County
20 may adopt amendments more frequently than once per year if the proposal is related to current use
21 taxation, if the proposal is the initial adoption of a subarea plan or functional plan provided that no
22 modifications of the Comprehensive Plan polices or zoning designations are proposed, if the
23 amendment is to the County's Shoreline Master Program under the procedures set forth in Chapter
24 90.58 RCW, if the amendment is to the capital facilities element that occurs concurrently with the
25 adoption or amendment of the County budget, if an declared emergency exists, or to resolve an
26 appeal of a Comprehensive Plan filed with a growth management hearings board or with the court. in
27 response to a court order or an order of the Growth Management Hearings Board. An emergency
28 amendment may only be adopted if the Board finds that the amendment is necessary to address an
29 immediate situation of Federal, State, subarea, or County-wide concern as opposed to a personal
30 emergency on the part of the applicant or property owner and the situation cannot adequately be
31 addressed by waiting until the annual Comprehensive Plan amendment process. Comprehensive Plan
32 amendments and/or rezones will only be considered once in every seven (7) year period for any given
33 property. The seven (7) year review period shall begin the year immediately following the County's
34 completion of its GMA mandated seven (7) year update of its Comprehensive Plan. If a change in
35 circumstance exists, which has been deemed sufficient by the Board, the County may elect to re-
36 review a prior or revised proposal. In no case, even in separate seven (7) year periods, shall a
37 proposal on the same property be reviewed in consecutive years.
- 38 (4) Submittal requirements for Comprehensive Plan policy and map amendments.
- 39 (a) A petition for a policy amendment shall include, at a minimum, the following information:
- 40 (i)(a) A detailed statement of what is proposed to be changed and why.
- 41 (ii)(b) A statement of anticipated impacts to be caused by the change, including geographic area
42 affected and issues presented.
- 43 (iii)(c) A demonstration of why existing Comprehensive Plan policies should not continue to be
44 in effect or why existing policies no longer apply.
- 45 (iv)(d) A statement of how the amendment complies with the Comprehensive Plan's community
46 vision statements, goals, objectives, and policy directives.
- 47 (v)(e) A statement of how adopted functional plans and Capital Facilities Plans support the
48 change.
- 49 (vi)(f) A statement of how the change affects implementing development regulations SCC Title
50 14 and the necessary changes to bring the implementing development regulations into
51 compliance with the plan.

- (vii)(g) A summary of any public review of the recommended change.
- (b)(5) A petition for a map amendment shall include, at a minimum, all of the requirements for a policy amendment, plus the following additions:
- (i)(a) A detailed statement describing how the map amendment complies with Comprehensive Plan land use designation criteria.
- (ii)(b) Any proposed urban growth area boundary changes shall be supported by and dependent on population forecasts and allocated urban population distributions, existing urban densities and infill opportunities, phasing and availability of adequate services, proximity to designated natural resource lands and the presence of critical areas.
- (iii)(c) Any proposed rural areas and natural resource land map designation changes shall be supported by and dependent on population forecasts and allocated non-urban population distributions, existing rural area and natural resource land densities and infill opportunities.
- (iv)(d) Any proposed natural resource land map designation changes shall recognize that natural resource land designations were intended to be long-term designations and shall further be dependent on 1 or more of the following:
- (A)(i) A change in circumstances pertaining to the Comprehensive Plan or public policy.
- (B)(ii) A change in circumstances beyond the control of the landowner pertaining to the subject property.
- (C)(iii) An error in initial designation.
- (D)(iv) New information on natural resource land or critical area status.
- (5) Each UGA boundary may be considered for modification once in every seven (7) year period. The seven (7) year review period shall begin the year immediately following the County's completion of its GMA mandated seven (7) year update of its Comprehensive Plan.
- (a) The County may change adopted UGA boundaries more frequently than once in every seven (7) year period when one or more of the following conditions are met:
- (i) The boundary adjustment is necessary to make minor technical corrections to a UGA boundary due to a mapping error or to be more consistent with identifiable physical boundaries such as natural features, roads, or special purpose districts. Minor boundary adjustments shall not increase the buildable land development capacity by more than 1 percent within the affected UGA.
- (ii) The boundary adjustment is the result of an emergency comprehensive plan amendment by the affected jurisdiction in accordance with RCW 36.70A.130(2)(b).
- (iii) The boundary adjustment is necessary to comply with changes to state or federal laws, regulations or standards.
- (iv) When required as part of a compliance order from the Western Washington Growth Management Hearings Board or court of higher authority.
- (v) The boundary adjustment will permanently preserve a substantial land area containing one or more significant natural or cultural feature(s) as open space and will provide separation between urban and rural areas. Provided that the boundary adjustment does not result in a significant increase to population or employment capacity. The presence of significant natural or cultural features shall be determined by the respective legislative bodies of the county and the municipality or municipalities immediately adjacent to the proposed expansion, and may include, but are not limited to, landforms, rivers, bodies of water, historic properties, archaeological resources, unique wildlife habitat, and fish and wildlife conservation areas.
- (vi) There is less than 50% remaining of the vacant and buildable land base (residential, commercial, or industrial, respectively) that was designated within the incorporated and unincorporated areas of the particular UGA based on the last residential population and/or commercial/industrial land sub-allocation, or through any subsequent expansion of the UGA boundaries; or
- (vii) The Board may waive the requirement in subsection (vi) above upon finding that:
- A) The request has been formally reviewed and endorsed by the impacted jurisdiction; and

- 1 B) The inability to reach the fifty percent (50%) threshold is accounted for either by 1) a
2 small number of parcels within the UGA which account for a significant portion of
3 remaining buildable lands for which it can be clearly demonstrated that they are not likely
4 to develop in the planning horizon of the existing boundary; 2) an assessment that
5 concludes there is a deficiency of larger parcels within that UGA to accommodate the
6 remaining commercial or industrial growth projected for that UGA; or 3) other
7 documented local circumstances that relate to the land market factors relevant to UGA
8 expansion or reduction; and/or
9 C) The expansion will allow the development of a school, K-12, public or private, provided
10 that the expansion area is adjacent to an existing UGA and will be designated and zoned
11 exclusively for that use and will not add any residential, commercial or industrial
12 capacity to the affected UGA.

13 (b) All UGA modifications shall be subject to the following requirements:

- 14 (i) UGA boundary adjustments shall be consistent with the requirements of the Skagit County
15 Comprehensive Plan.
16 (ii) Sufficient land area must be included in the UGAs to accommodate the adopted 20-year
17 population and employment forecast allocation as adopted by the SCOG and consistent with
18 OFM projections. The extent of a UGA boundary expansion shall be that necessary to
19 provide a minimum ten (10) and a maximum twenty (20) year supply of vacant and buildable
20 lands within the UGA.
21 (iii) A jurisdiction, as part of its comprehensive plan amendment that proposes an expansion of its
22 UGA to accommodate additional population or employment capacity, shall conduct planning
23 and analysis sufficient to update and confirm the development capacity analysis for buildable
24 land within the existing UGA for residential, commercial, and/or industrial lands, which takes
25 into account all development approved within the overall UGA since the last UGA
26 expansion. Minimum requirements for UGA buildable lands development capacity analyses
27 shall include the following steps:
28 (A) Define vacant and underutilized (but likely to redevelop) parcels by zone
29 (B) Deduct from the gross land capacity by zone – identified in (A) above – the
30 following lands not available to accommodate future population or employment:
31 (1) critical areas (and buffers as appropriate)
32 (2) future roads/rights-of-way needs
33 (3) future public or quasi-public facilities needs
34 (4) remaining lands likely to be held off-the-market (e.g., market or other factors)
35 (C) Apply the minimum (or average achieved) density or intensity of use in each zone
36 to the remaining net developable acres identified in (B) above.
37 (D) Apply appropriate household size and/or employee land intensity standards to the
38 output – identified in (C) above – to determine total UGA population or
39 employment capacity.
40 (iv) Document consistency of the proposed UGA expansion with Countywide Planning Policy 1.1
41 and the adopted 20-year population and employment allocation, including identification of
42 any allocated but undesignated forecast population or employment.
43 (v) Preparation of a comparative evaluation of potential areas for UGA expansion, including: 1)
44 planning and zoning regulations currently in place; 2) an evaluation of how a full range of
45 urban-level infrastructure and services would be provided within potential expansion areas,
46 including appropriate capital facility analysis; and 3) an evaluation of reasonable alternatives,
47 other than expanding the UGA, to accommodate the forecast UGA population or employment
48 allocation. This shall include consideration of development regulation amendments to allow
49 for increased densities and intensities of use in the existing UGA. Consideration of
50 reasonable alternatives to UGA expansion shall be within the discretion afforded to local
51 governments by RCW 36.70A.110 (2) to make choices about accommodating growth.

- (vi) Document the proposed UGA expansion for consistency with any applicable inter-local agreement between the affected municipality and the county.
- (vii) Review the planning and zoning regulations and any incentive programs in place to determine expected densities in the existing UGA consistent with the GMA, as interpreted by the Growth Management Hearings Board, and the adopted Comprehensive Plan.
- (viii) In evaluating potential changes to a particular UGA boundary, the county shall consider countywide implications for other UGAs and their population and employment sub-allocations.
- (ix) In cases of residential lands proposed for inclusion within a UGA, annexation or incorporation should be encouraged to occur if immediately feasible, or an interlocal agreement shall be executed between the municipality and county regarding the timing and conditions of future annexation and provision of urban services.
- (x) The UGA expansion shall not include areas that are designated as natural resource lands (agricultural, forest, or rural resource) unless:
(A) the jurisdiction has an adopted transfer of development rights program in place and an agreement with the property owner(s) that will allow for continuation of the natural resource land activities on said lands following UGA designation; or
(B) said lands have been re-designated to an appropriate non-resource land use designation consistent with the applicable provisions of the Skagit County Comprehensive Plan, Skagit County Code, and RCW 36.70A.
- (xi) The county and cities shall conduct early and continuous public involvement when establishing, expanding, or adjusting UGAs, and shall do so jointly when appropriate. Residents and property owners of unincorporated areas shall be consulted and actively involved in the process affecting them.
- (xii) The county shall exercise its best efforts to coordinate UGA boundary change proposals with the affected municipality(ies), including the preparation of joint staff recommendations where possible. Unless waived by the affected municipality(ies), such municipality(ies) shall be given at least sixty (60) days notice of the proposal prior to a county hearing thereon.
- (6)(7) The petition for a Comprehensive Plan policy or map amendment and/or rezone shall be on forms provided by the Department and shall contain suggested amendatory language, where appropriate. If the proposed amendment is a site-specific amendment that applies to a specific number of parcels which are in readily identifiable ownership ~~and~~ is in conjunction with an identifiable development proposal, then the petitioner shall pay a fee with the petition as prescribed by the approved fee schedule as now or hereafter amended. (Ord. O20070009 (part); Ord. O20030023: Ord. 17938 Attch. F (part), 2000)
- (7)(6) Rezones.
- (a) ~~All rezones shall be processed in conjunction together with a corresponding Comprehensive Plan amendments, with the exception of rezones of those lands located within an urban growth area.~~ except that rezones located wholly within an existing UGA and contemplating no UGA boundary modification shall be considered to stand alone and shall not require a corresponding Comprehensive Plan amendment. The procedures for standalone rezone application, notice, schedule, etc., shall follow those for the Comprehensive Plan amendments/rezones in Subsection (2) – (6) of this Section.
- (b) Petitions for rezones, including those processed in conjunction with a Comprehensive Plan amendment, shall include at a minimum, all of the requirements for policy and map amendments, plus the following additions:
- (i) - (ii) No change.
- (c) Approval Criteria for Rezones.
- (i) - (ii) No change.
- (iii) All Comprehensive Plan amendments/rezones to a commercial or industrial zone may~~shall~~ require a development project be commenced for the entire redesignated/rezoned area

1 within 2 years of the redesignation/rezone, unless development is phased. For the purposes
2 of this Section, "commenced" shall mean either (A) a commercial or industrial operation
3 permitted by the redesignation/rezone has been established or (B) a complete building
4 permit has been filed with Planning and Development Services for the principal building
5 which will allow the commercial or industrial operation. Upon building permit approval, the
6 principal building shall be completed (i.e., final inspections completed) within 3 years.
7 Those ~~properties or portions of properties~~ the redesignated/rezoned ~~property to a non-~~
8 ~~municipal UGA commercial or industrial zone shall be reviewed by the County in the year~~
9 ~~following each 7-year update. which are not included within the development area and For~~
10 ~~those properties where the above time frames are not met the County shall automatically~~
11 ~~consider such property for a County-initiated redesignation/rezone to revert the property to~~
12 ~~the original designation and zoning, unless a phasing plan is approved pursuant to~~
13 ~~Subsections (6)(c)(iii)(A) and (B) of this Section. Commercial and industrial zoning is not~~
14 ~~intended for speculative purposes. Removal of the commercial or industrial zoning~~
15 ~~designation should occur on properties not meeting the above time frames unless it can be~~
16 ~~shown that a specific project is imminent on the subject property given reasonable~~
17 ~~additional time. For purposes of this Subsection, "development area" shall mean all~~
18 ~~portions of the site needed to meet UDC requirements, such as lot coverage and setbacks.~~

19 (A) - (C) No change.

20 (iv) In addition to the requirements listed above, Comprehensive Plan amendments/rezones for
21 new Small-Scale Recreation and Tourism designations shall include a site plan of the wholly
22 new or expanding recreational or tourist use that shall:

23 (A) Designate the location of all uses.

24 (B) Demonstrate that the location of the Small-Scale Recreational or Tourist uses is based
25 upon the scenic and/or natural features of the land that support the need for a rural
26 location and setting.

27 (C) Demonstrate that the proposed expansion of an existing recreational or tourist use is a
28 logical expansion and is compatible with existing uses on the site.

29 (D) Include measures to protect or minimize adverse impacts on prime soils, drainage,
30 traffic generation, visual impact, noise, and other relevant criteria, and to preserve the
31 existing rural character of the area.

32 (E) Include measures to insure the protection of critical areas, as provided in RCW
33 36.70A.060, frequently flooded areas, and surface water and ground water resources
34 including sole source aquifers.

35 (F) Include measures to ensure protection from conflicts with the use of agriculture, forest,
36 and mineral resource lands of long-term commercial significance designated under
37 RCW 36.70A.170.

38 (G) Include measures to protect or mitigate adverse impacts on Rural Intermediate, Urban
39 Growth Areas, or Rural Village Residential-designated lands.

40 (d) No change.

41 **14.08.030 Initiation of review of amendments to the Comprehensive Plan.**

42 (1) No change.

43 (2) ~~Within 45 days from the last business day of July of each year, t~~The Department shall review all new
44 petitions for Comprehensive Plan amendments, any petitions deferred from the docket of
45 amendments for the previous year, together with any new amendments suggested by the Department,
46 and shall forward a recommendation to the Board as to which of the petitions the Department
47 recommends for inclusion in the current year's docket of amendments, requiring further
48 consideration by the County.

49 (3) In making its docket recommendation the Department shall consider whether:

50 (a) - (b) No change.

- (c) A proposed amendment raises policy, land use, or scheduling issues that would more appropriately be addressed as part of an ongoing or planned work program, or as part of a regular review cycle; or
- (d) Some legal or procedural flaw of the proposal would prevent its legal implementation; or
- (e) The proposal lacks sufficient information and/or adequate detail to review and assess whether or not the proposal meets the applicable Comprehensive Plan designation criteria.
- (i) A determination that the proposal contains sufficient information and adequate detail for the purpose of docketing does not preclude the Department from requesting additional information at any time necessary later in the process.
- (4) ~~Within 30 days of~~ Following receipt of the Department's docket recommendation, the Board shall hold a public hearing to allow applicants and the general public to comment on the Department's recommendation. During its next available public meeting, the Board shall consider the Department's recommendation and public testimony and decide which petitions will be reviewed further as part of the annual docket.
- (a) - (b) No change.
- (5) Those petitions forwarded for further review shall be processed according to the remaining sections of this Chapter, including public review and comment and Planning Commission recommendation. Final action by the Board shall be taken to approve, approve with conditions, defer to a subsequent amendment cycle, or deny each petition. (Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

14.08.040 Environmental review.

- (1) After the Board establishes the current year's docket of Comprehensive Plan amendments, the County shall complete environmental review of all of the proposed amendments, consistent with the requirements of Chapter 43.21C RCW and Chapter 14.12 SCC, SEPA. For any site-specific Comprehensive Plan amendments, the proponent of those amendments shall submit a complete environmental checklist to the County. within 20 days of the Board's decision to consider the proposed site-specific amendment. SEPA fees shall be in accordance with SCC 14.12.270.
- (2) ~~Within 15 days from~~ After receipt and review of the environmental checklist(s) for the proposed Comprehensive Plan amendments, the Department shall issue a threshold determination(s) on the docket of amendments. ~~If necessary, a Draft Environmental Impact Statement (DEIS) should be published no later than the first business day of April of the year following the submitted petition.~~
- (3) Any environmental review shall consolidate, as much as practical, site-specific SEPA review with review of the entire docket of proposed Comprehensive Plan amendments to ensure adequate consideration of cumulative effects of the proposed amendments. ~~SEPA fees shall be in accordance with SCC 14.12.270.~~
- (4) No change.

14.08.050 Adoption of community (subarea) plans, functional plans, and Shoreline Master Program amendments and review of open space current use applications.

- (1) Initial adoption of a subarea plan or a functional plan shall not be subject to the once-per-year batching requirements or decision of the Board to initiate review requirements described in SCC 14.08.020 and 14.08.030, but shall be subject to the review procedures and requirements contained in the balance of this Chapter.
- (a) Once each year, Planning and Development Services may ~~shall~~ request that the Board review and prioritize the list of remaining community plans.
- (b) - (e) No change.
- (2) No change.
- ~~(3) Open space current use applications requiring review pursuant to a Comprehensive Plan amendment process under Chapter 14.40 SCC are not subject to the 1-year batching requirement. Open space current use applications do not result in a Comprehensive Plan change. (Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)~~

1 **14.08.060 Initiation of review of development regulations/amendments to SCC Title 14.**

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

13 **14.08.070 Public participation requirements.**

- 14 (1) No change.
- 15 (2) ~~Unless exempted by this Section, the Board may~~ shall establish one (1) or more CACs or TACs, as
16 appropriate, to participate and assist in the ~~initial~~ development of Comprehensive Plan elements,
17 subarea plans, ~~and functional plans and development regulations~~. The Board shall seek to have a
18 variety of interests represented on such committees.
- 19 (3) A CAC or TAC may be initiated by 1 of the following methods:
- 20 (a) The Board may establish one by resolution; or
- 21 (b) Any citizen may request the ~~BoardBCC~~ to consider calling for a new CAC or TAC relating to a
22 GMA purpose. The ~~BoardBCC~~ will take public comment on the request. If the ~~BoardBCC~~ is
23 convinced that a new CAC or TAC would be useful, the ~~BoardBCC~~ may authorize its formation
24 by resolution.
- 25 (4) No change.
- 26 (5) No change.
- 27 (6) ~~A Skagit County Planning and Development Services or other County staff person will be assigned~~
28 ~~to each CAC and TAC, and will provide staff support and maintain a copy of the record minutes of~~
29 ~~such committee or subcommittee meeting on file at Skagit County Planning and Development~~
30 ~~Services.~~
- 31 (7) - (9) No change.
- 32 (10) Public Notification—Site-Specific Comprehensive Plan/Zoning Map Amendments. Where public
33 notice is otherwise required by this Chapter, for site-specific legislative proposals, such notice shall
34 be mailed directly to the owners of the affected properties, and to all property owners within 300 feet
35 of the subject property. (~~Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000~~)
- 36 (11) Public Participation—In addition to public notice as otherwise required by this chapter, the public
37 shall have the opportunity to participate in County legislative matters via public hearing(s), written
38 comment, and other forums as appropriate. (Ord. O20070009 (part); Ord. 17938 Attch. F (part),
39 2000)

40 **14.08.080 Review by Planning Commission.**

- 41 (1) ~~After completion of any review by a Citizen's Advisory Committee or Technical Advisory~~
42 ~~Committee as provided in the Skagit County Growth Management Act Public Participation Program,~~
43 ~~as amended; Prior to Planning Commission review, the Department shall prepare a staff report on the~~
44 ~~any proposed plans, amendments or development regulation summarizing the comments and~~
45 ~~recommendations of any Citizen Advisory Committee or Technical Advisory Committee, County~~
46 ~~departments, affected agencies and special districts, and evaluating the proposed plan, plan~~
47 ~~amendment, or development regulations' consistency with adopted County plans and regulations.~~
48 The staff report shall include findings, conclusions and proposed recommendations for disposition of
49 the proposed plan, plan amendments or development regulations. The staff report, together with

- 1 proposed drafts of the plan, plan amendment or development regulation, shall be available to the
2 public a minimum of 15 calendar days before a public hearing on the proposed plan, plan
3 amendment, or development regulation.
- 4 (2) Unless adopted as an interim ordinance under the provisions of RCW 36.70A.390, the Commission
5 shall hold at least one (1) public hearing on a proposed plan, plan amendment or development
6 regulation at the beginning of its deliberations prior to forwarding a recommendation to the Board for
7 action, ~~and may hold more than 1 hearing, if deemed necessary.~~
- 8 (3) No change.
- 9 (4) ~~If, after~~ The Commission's shall consideration of the public comments and deliberation on the
10 proposed plan, plan amendment or development regulation. As a completion of its deliberations, the
11 Commission shall vote to recommend adopting, not adopting or amending the proposed plan, plan
12 amendments or development regulation. , the Commission is considering a recommendation that is
13 substantially different from that for which public comment was last received, the Commission shall
14 provide an opportunity for additional public comment (orally, or in writing, or both), and shall
15 consider such comment before making its recommendation to the Board, unless deadlines imposed
16 by orders of the Growth Management Hearings Board or by the Board when sending the proposed
17 plan, plan amendment or development regulation to the Commission for review prevent such
18 additional comment period. In that case, the Commission shall forward its recommendation to the
19 Board without additional public comment, provided the findings of the Commission clearly state that
20 the recommendation has changed from that for which public comment was taken and the
21 recommendation includes a suggestion that the Board take additional public comment before making
22 its decision For purposes of this Section, an additional opportunity for public comment is not
23 required if:
- 24 (a) ~~An environmental impact statement (EIS) has been prepared under Chapter 43.21C RCW for the~~
25 ~~pending resolution or ordinance and the proposed change is within the range of alternatives~~
26 ~~considered in the environmental impact statement;~~
- 27 (b) ~~The proposed change is within the scope of the alternatives available for public comment;~~
- 28 (c) ~~The proposed change only corrects typographical errors, corrects cross-references, makes~~
29 ~~address or name changes, or clarifies language of a proposed ordinance or resolution without~~
30 ~~changing its effect;~~
- 31 (d) ~~The proposed change is to a resolution or ordinance making a capital budget decision as~~
32 ~~provided in RCW 36.70A.120; or~~
- 33 (e) ~~The proposed change is to a resolution or ordinance enacting a moratorium or interim control~~
34 ~~adopted under RCW 36.70A.390.~~
- 35 (5) Commission recommendation to the Board on any plan, plan amendment or development regulation
36 shall be by affirmative vote of not less than five (5) members, a majority of the total membership of
37 nine (9) members, of the Commission. Recommendations shall be by a recorded motion which shall
38 incorporate the findings of fact of the Commission and the reasons for its recommendation, and the
39 motion shall refer expressly to any maps, descriptive material and other matters intended by the
40 Commission to constitute the recommendation. The indication of approval by the Commission shall
41 be recorded on any map and descriptive material, as applicable, by the signatures of the chairperson
42 and the secretary of the Commission.
- 43 (6) All or any part of a plan, development regulation or amendment thereto shall be granted
44 recommended for approval by the Commission only if it is consistent with the community vision
45 statements, goals, objectives, and the policy directives of the Comprehensive Plan and the proposal
46 preserves the integrity of the Comprehensive Plan and assures its systematic execution.
- 47 (7) – (9) No change.

1 **14.08.090 Review and decisions by Board.**

2 (1) Upon receipt of a recommendation on all or any part of a plan, plan amendment or development
3 regulation from the Planning Commission, the Board shall, at its next regular public meeting, set the
4 date for a public meeting where it will consider and take action on the recommendation.

5 (2) If the Board agrees with the recommendation of the Planning Commission on a proposed plan, plan
6 amendment, or development regulation, it shall take action consistent with the Commission's
7 recommendation as prescribed below:

8 (a) Provided that that the plan, plan amendment, or development regulation desired by the Board
9 conforms substantially to the proposal as originally initiated and made available for public
10 comment, the Board may take final action with no further process. For purposes of this Section,
11 an additional opportunity for public comment is not required if:

12 (i) An environmental impact statement (EIS) has been prepared under Chapter 43.21C RCW
13 for the pending resolution or ordinance and the proposed change is within the range of
14 alternatives considered in the environmental impact statement;

15 (ii) The proposed change is within the scope of the alternatives available for public comment;

16 (iii) The proposed change only corrects typographical errors, corrects cross-references, makes
17 address or name changes, or clarifies language of a proposed ordinance or resolution without
18 changing its effect;

19 (iv) The proposed change is to a resolution or ordinance making a capital budget decision as
20 provided in RCW 36.70A.120; or

21 (v) The proposed change is to a resolution or ordinance enacting a moratorium or interim
22 control adopted under RCW 36.70A.390.

23 (b) In cases where a recommendation for adoption includes a substantial change to the proposal, and
24 the Board desires to consider the change, the Board shall allow additional public comment
25 opportunity prior to final action. The Board may choose any one (1) or more of the following
26 options to provide such opportunity:

27 (i) Board initiation of an additional written public comment period with Board review of public
28 comments;

29 (ii) Board initiation of one or more public hearings;

30 (iii) Remand of issue(s) to the Department or the Planning Commission for additional work,
31 study, review, or refinement;

32 (iv) Remand of issue(s) to the Planning Commission for an additional written public comment
33 period;

34 (v) Remand of issue(s) to the Planning Commission for additional public hearing(s) and
35 recommendations.

36 (3) If the Board authorizes further public comment and consideration consistent with the procedures for
37 changes to plans, plan amendments, or development regulations as described in Subsection (2)(b) of
38 this Section, notice as required in SCC 14.08.080(3) shall be provided. If the Board chooses not to
39 remand an issue, it shall adopt its own findings of fact and a statement setting forth the factors
40 considered in the public comment or at the hearing and its own analysis of findings considered by it
41 to be controlling.

42 (4)(3) ~~If the Board does not agree, either in whole or in part, with~~ considers a change in the
43 recommendation of the Planning Commission on a proposed plan, plan amendment, or development
44 regulation to be necessary, the Board shall proceed as follows:

45 (a) Provided that the plan, plan amendment, or development regulation desired by the Board
46 conforms to the proposal as initiated and made available for public comment, the Board may take
47 final action with no further process.

48 ~~(a) Changes to Plans or Plan Amendments. Before acting on a proposed change to a plan or plan~~
49 ~~amendment, the Board must first refer the proposed change back to the Planning Commission for a~~
50 ~~report and recommendation. The Commission shall follow the public notice and hearing~~
51 ~~requirements for consideration of such change as required for the initial Commission review of the~~

proposal. The Board may set a deadline for receipt of the Commission recommendation. After receipt of the report and recommendation of the Commission, or after lapse of the time frame specified by the Board, the Board may approve the plan, without further reference to the Commission, provided:

- (i) That the plan or plan amendment conforms either to the proposal as initiated by the Board or the recommendation by the Planning Commission; and/or
- (ii) If the Planning Commission has failed to report within a 90-day period, the Board shall hold at least 1 public hearing on the proposed plan or plan amendment. Public notice for such hearing shall be the same as that required for public hearings before the Commission, described in SCC 14.08.080(3). Thereafter, the Board may proceed to approve the proposed plan or plan amendment.

(b) In cases where the Board desires to retain the status quo and reject any or all changes in their entirety, the Board may take final action with no further process.

~~(b) Changes to Development Regulations. Before acting on a proposed change to a development regulation recommended by the Planning Commission, the Board shall either refer the proposed change back to the Commission for further public comment and consideration consistent with the procedures for changes to plans or plan amendments described in Subsection (3)(a) of this Section, or the Board shall conduct its own public hearing, giving notice as required in SCC 14.08.080(3), and adopt its own findings of fact and a statement setting forth the factors considered at the hearing and its own analysis of findings considered by it to be controlling.~~

(c) In cases where the Board wishes to consider a substantial change to the proposal the Board shall allow additional public comment opportunity prior to final action. The Board may choose any one (1) or more of the following options to provide such opportunity:

- (i) Board initiation of an additional written public comment period with Board review of public comments;
- (ii) Board initiation of one or more public hearings;
- (iii) Remand of issue(s) to the Department or the Planning Commission for additional work, study, review, or refinement;
- (iv) Remand of issue(s) to the Planning Commission for an additional written public comment period;
- (v) Remand of issue(s) to the Planning Commission for additional public hearing(s) and recommendations.

(4) Final Disposition of Annual Docket. The Board must take action on the current year's docket ~~on or before establishing a subsequent docket the last business day of July. The Board's decision, or failure to make a decision by the above date,~~ to either approve, deny, or defer action on, plans or plan amendments terminates that year's docket. ~~Upon termination of the current docket, a~~ Initiation of any new docket(s) must be established as required in SCC 14.08.030.

(5) The Board may defer action on any specific plan or plan amendment to a future docket if:

- (a) – (b) No change.
- (c) Approval of the proposal depends on the implementation of other rules, standards or policies that either do not exist, or are not official by the time the Board is ready to make its decision on the annual docket. (Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)
- (d) The Board determines that the proposed plan or plan amendment is more appropriately considered during a subsequent amendment process. (Ord. O20070009 (part); 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

14.12.210 Appeals.

Skagit County establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:

- (1) A final environmental threshold determination for a project proposal is administratively appealable as a Level I decision, pursuant to Chapter 14.06 SCC, provided that the decision of the Hearing Examiner shall be a final decision and no further administrative appeals shall be available. No administrative appeals of threshold determinations relating to legislative or non-project actions shall be available. Otherwise, appeals shall be allowed consistent with Chapter 43.21C RCW.

- (2) - (5) No change.

14.12.220 Notice/statute of limitations.

- (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

14.14.020 Development agreements—Basic requirements.

- (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.

14.14.040 Procedures.

- (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-~~

1 ~~PC application. Development agreements smaller than these thresholds shall be processed as a Level~~
2 ~~III-HE application, pursuant to the requirements of Chapter 14.06 SCC, Permit Procedures.~~

3 (4) - (5) No change.

4 (6) The Board of County Commissioners has final approval or denial authority for may, in its sole
5 discretion, approve the development agreements.

6 (7) No change.
7

8 **14.16 Zoning**

9
10 *[Note to Code Publishing: amend maximum height provisions and exemptions in the following zoning districts,*
11 *also number as appropriate]*

- 12 **14.16.100 Rural Village Commercial (RVC).**
- 13 **14.16.110 Rural Center (RC).**
- 14 **14.16.120 Rural Freeway Service (RFS).**
- 15 **14.16.150 Rural Business (RB).**
- 16 **14.16.195 Urban Reserve Commercial-Industrial (URC-I).**
- 17 **14.16.300 Rural Intermediate (RI).**
- 18 **14.16.310 Rural Village Residential (RVR).**
- 19 **14.16.320 Rural Reserve (RRv).**
- 20 **14.16.330 Residential District (R).**
- 21 **14.16.370 Urban Reserve Residential (URR).**
- 22 **14.16.380 Hamilton Residential (HR).**
- 23 **14.16.385 Hamilton Urban Reserve (H-URv).**
- 24 **14.16.400 Agricultural—Natural Resource Lands (Ag-NRL).**
- 25 **14.16.410 Industrial Forest—Natural Resource Lands (IF-NRL).**
- 26 **14.16.420 Secondary Forest—Natural Resource Lands (SF-NRL).**
- 27 **14.16.430 Rural Resource—Natural Resource Lands (RRc-NRL).**
- 28 **14.16.450 Urban Reserve Public-Open Space (URP-OS).**
- 29 **14.16.500 Public Open Space of Regional/Statewide Importance (OSRSI).**

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

31 Maximum height: 40 feet.

32 (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and fire towers
33 are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.
34

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

- 37 **14.16.130 Small Scale Recreation and Tourism (SRT).**
- 38 **14.16.140 Small Scale Business (SSB).**
- 39 **14.16.160 Natural Resource Industrial (NRI).**
- 40 **14.16.170 Rural Marine Industrial (RMI).**
- 41 **14.16.175 Hamilton Industrial (H-I).**

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

43 Maximum height: 50 feet.

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

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

- 49 **14.16.155 Bayview Ridge Community Center (BR-CC).**

- 1 **14.16.180 Bayview Ridge Light Industrial (BR-LI).**
2 **14.16.190 Bayview Ridge Heavy Industrial (BR-HI).**

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

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

- 7 (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and fire towers
8 are exempt from the maximum height, but shall conform to the applicable Federal Aviation
9 Administration regulations. The height of personal wireless services towers are regulated in SCC
10 14.16.720.

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

- 12 **14.16.340 Bayview Ridge Residential (BR-R).**
13 **14.16.350 Bayview Ridge Urban Reserve (BR-URv).**

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

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

- 18 (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and fire towers
19 are exempt from the maximum height, but shall conform to the applicable Federal Aviation
20 Administration regulations. The height of personal wireless services towers are regulated in SCC
21 14.16.720.

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

23 **14.16.020 Scope.**

- 24 (1) - (2) No change.
25 (3) Interpretation of Uses. Only those uses listed within a given zoning district shall be allowed,
26 provided that an allowance for a substantially similar use may be granted. However, in no instance
27 shall a use specifically identified in any zoning district be allowed in another zoning district where
28 that use is not specifically listed. When a use is not specifically listed in this Chapter, it shall be
29 understood that the use may be allowed if it is determined by the Administrative Official that the use
30 is similar to other uses listed. It is further recognized that not every conceivable use can be identified.
31 In anticipation that new uses will evolve over time, this Section establishes the Administrative
32 Official's authority to compare a proposed use and measure it against those listed in this Chapter for
33 determining similarity. In determining similarity, the Administrative Official shall make all of the
34 following findings:
35 (a) – (d) No change.

36 **14.16.100 Rural Village Commercial (RVC).**

- 37 (1) Purpose. The Rural Village Commercial zoning districts are located within each Rural Village
38 identified in the Comprehensive Plan. This zoning district provides an activity center where rural
39 residents and others can gather, work, shop, entertain and reside. This district is intended to provide
40 for a range of commercial uses and services to meet the everyday needs of rural residents and natural
41 resource industries, to provide employment opportunities for residents of the rural area, and to
42 provide goods, services, and lodging for travelers and tourists to the area. Requirements specific to
43 individual community plans may be incorporated in this section.
44 (2) Permitted Uses. The following uses that primarily serve the needs of the surrounding rural
45 population, visitors to the rural area, or natural resource industrial uses in the rural area:
46 (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.

(j) 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) Front: 15 feet.

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: ~~4030 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)(7)~~—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)

(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.

1 **14.16.120 Rural Freeway Service (RFS).**

2 (1) – (4) No change.

3 (5) Dimensional Standards.

4 (a) Setbacks.

5 (i) No change.

6 (ii) Side and rear: 35 feet. Where parking is located on side or rear ~~in front~~ of structure, 55 feet.

7 (iii) No change.

8 (b) Size Limitations.

9 (i) - (ii) No change.

10 (iii) Overnight lodging facilities shall not exceed 35 units and shall not exceed 12,000 square
11 feet of gross floor area per parcel including any related commercial services. Operators may
12 not allow any person to occupy overnight lodging on the premises for more than 4 months
13 in any year. ~~Storage or other noncommercial uses that are accessory to a permitted use up to~~
14 ~~a total of 1,500 square feet per parcel shall also be permitted.~~

15 (iv) Storage or other noncommercial uses that are accessory to a permitted use up to a total of
16 1,500 square feet per parcel shall also be permitted.

17 (c) ~~40 feet Shall conform to the Skagit County Building Code.~~

18 (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and fire
19 towers are exempt. The height of personal wireless services towers are regulated in SCC
20 14.16.720.

21 (d) No change.

22 (6) No change.

23 **14.16.150 Rural Business (RB).**

24 (1) No change.

25 (2) Permitted Uses.

26 (a) No change.

27 (b) Subject to an administrative decision, a change of use from the existing use to a use which is
28 substantially similar to the existing use in terms of the type of commercial activity performed. A
29 substantially similar use shall continue the same basic operational characteristics as the existing
30 use shall fall within the same broad use category as the existing use (retail, service, restaurant, or
31 manufacturing); shall be of no greater intensity, density, or generate no greater environmental or
32 traffic impact than shall generate equal or less traffic as the existing use, and shall continue the
33 same basic operational characteristics as the existing use (for example, a change of use from a
34 convenience store to a gas station would not be permitted, but a change from a convenience store
35 to a video store would).

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

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

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

50 (3) No change.

1 (4) Hearing Examiner Special Uses.

2 (a) - (c) No change.

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

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

18 (ii) - (vi) No change.

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

21 (e) No change.

22 (5) Dimensional Standards.

23 (a) No change.

24 (b) Maximum height: ~~4030~~ feet or shall conform to the Skagit County Building Code, whichever is
25 less.

26 (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and fire
27 towers are exempt. The height of personal wireless services towers are regulated in SCC
28 14.16.720.

29 (c) No change.

30 (6) No change.

31 **14.16.155 Bayview Ridge Community Center (BR-CC).**

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

38 (2) – (4) No change

39 (5) Dimensional Standards.

40 (a) Setbacks.

41 (i) Front: 25 feet.

42 (ii) Side: 8 feet.

43 (iii) Rear: 25 feet.

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

46 ~~(c) (i) —Maximum height: 50 feet or consistent with the adopted building code of Skagit County~~
47 ~~and shall conform to the applicable Federal Aviation Administration regulations concerning~~
48 ~~height restrictions pursuant to the Airport Environs Overlay, SCC 14.16.210, whichever is less.~~

49 (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and fire
50 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)(7) 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. O20080004 (part); Ord. O20070009 (part); Ord. O20060007 Exh. D § 2)

14.16.160 Natural Resource Industrial (NRI).

(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)(e) Storage of unlicensed/inoperable vehicles.

(g)(f) Temporary events.

(h)(g) Trails and primary and secondary trailheads.

(5) Hearing Examiner Special Uses.

(a) – (e) No change.

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

(f)(g) 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.~~

(b) - (d) No change.

(e) ~~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) - (8) No change.

14.16.170 Rural Marine Industrial (RMI).

(1) - (5) 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.~~

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

~~(g)(f)~~ Temporary events.

~~(h)(g)~~ Trails and primary and secondary trailheads.

(5) Hearing Examiner Special Uses.

(a) – (e) No change.

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

~~(f)(g)~~ 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.~~

~~(i)(b)~~ 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.

~~(ii)(d)~~ Setbacks from NRL lands shall be provided per SCC 14.16.810(7).

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

- (F) (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) - (8) No change.

14.16.180 Bayview Ridge Light Industrial (BR-LI).

- (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 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.
- (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)~~(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. O20060007 Exh. D § 3: Ord. 17938 Attch. 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 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.
- (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. O20060007 Exh. D § 3: Ord. 17938 Attch. F (part), 2000)

14.16.210 Airport Environs 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 1

SAFETY ZONE	<u>LANDS WITHIN THE BAYVIEW RIDGE URBAN GROWTH AREA</u> LAND USE ¹	<u>LANDS OUTSIDE THE BAYVIEW RIDGE URBAN GROWTH AREA</u> NON-UGA LAND USE	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> Existing structures and uses permitted to be replaced.	30% open space
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).

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

14.16.215 Bayview Ridge Urban Growth Area.

(1) - (2) No change.

(3) General Regulations.

(a) – (b) No change.

(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.

(d) No change.

14.16.340 Bayview Ridge Residential (BR-R).

(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.

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

1 **14.16.350 Bayview Ridge Urban Reserve (BR-URv).**

2 (1) - (4) No change.

3 5) Dimensional Standards.

4 (a) – (c) No change.

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

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

12 (e) – (h) No change.

13 (6) No change.

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

17 ~~(8)~~(7) Additional requirements related to this zone are found in SCC 14.16.210, 14.16.215, 14.16.600
18 through 14.16.900, 14.28, and the rest of Skagit County Code. (Ord. O20080012 (part); Ord.
19 O20080009 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. O20060007 Exh. D § 9.
20 Formerly 14.16.336.)

21 **14.16.385 Hamilton Urban Reserve (H-URv).**

22 (1) No change.

23 (2) No change.

24 (3) Administrative Special Uses.

25 (a) – (e) No change.

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

27 (g) Retail and wholesale nurseries/greenhouses.

28 (h) Riding clubs and stables if accessory to the existing resource use and no new structures are
29 constructed.

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

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

33 (k) Temporary manufactured home.

34 (l) Trails and primary and secondary trailheads.

35 (4) Hearing Examiner Special Uses.

36 (a) – (g) No change.

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

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

40 (5) No change.

41 (6) No change.

42
43 **14.16.400 Agricultural – Natural Resource Lands**

44 (1) – (4) No change.

45 (5) Dimensional Standards.

46 (a) Setbacks.

47 (i) Residential.

48 (A) Front: 35 feet minimum, 200 feet maximum from public road. Unless specified below
49 or elsewhere in this Chapter, no portion of a structure shall be located closer than 35 feet
50 from the front lot line and no portion of a structure shall be located further than 200 feet

1 from the front lot line. If a parcel is located such that no portion or developable portion of
2 the property is within 200 feet of a public road, the maximum 200-foot setback shall be
3 measured from the front property line. The maximum setback may be waived by Planning
4 and Development Services where critical areas, preventing the placement of residential
5 structures, are located within the 200-foot setback area. The maximum setback may also be
6 waived by Planning and Development Services in cases where nonfloodplain or nonprime
7 agricultural land is located on the lot outside of the setback area, which would provide for a
8 more appropriate placement of residential structures. In cases where a residence exists
9 outside the setback area, residential accessory structures may be placed outside the setback
10 area if located in accordance with the siting criteria outlined in Subsection (6) of this
11 Section.

12 (B) - (D) No change.

13 (ii) No change.

14 (b) Maximum height: ~~4030 feet or shall conform to the Skagit County Building Code.~~

15 (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, and fire
16 towers are exempt. The height of personal wireless services towers are regulated in SCC
17 14.16.720.

18 (c) No change.

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

21 (a) - (b) No change.

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

24 (i) - (ii) No change.

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

30 (7) No change.

31 **14.16.440 Mineral Resource Overlay (MRO).**

32 (1) - (2) No change.

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

34 (a) No change.

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

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

48 (4) - (11) No change.

1 **14.16.600 Unclassified use permit.**

2 (1) Purpose. The purpose of the unclassified use permit is to provide a siting and review process for
3 major, regional facilities with potential significant built and natural environmental impacts on the
4 surrounding area. Unclassified uses are typically major facilities with a presence that may impact or alter
5 the character of the community. They include most of the more intensive uses considered to be "essential
6 public facilities" in RCW 36.70A.200. The intent of the unclassified use permit is to not only review
7 potential impacts of a proposal and apply appropriate conditions, but also to evaluate on a more
8 fundamental level whether the proposed use is appropriate at a given location, based on conformance with
9 the applicable criteria. Applications for uses listed in this section shall be processed as unclassified special
10 uses. The listing of possible zones for unclassified uses to be located in, as in Subsection (2) of this
11 Section, does not presume that a specific use in a given location will be determined to be appropriate
12 through the unclassified use permit process.

13 (2) Applicability. Unclassified uses include but are not limited to the following list. Included in
14 parentheses are the zones in which a specific unclassified use may be considered:

- 15 (a) State and regional correctional facilities (SF-NRL, RRc-NRL, RRv).
- 16 (b) **Major regional utility development:**
- 17 (b)(i) Power generation facilities (IF-NRL, SF-NRL, RRc-NRL, BR-HI).
- 18 (d)(ii) Solid waste handling facility (SF-NRL, RRc-NRL, BR-HI, BR-LI).
- 19 (e)(iii) Regional wastewater treatment facilities (SF-NRL, RRc-NRL, RRv, BR-HI).
- 20 (c) Oil and gas extraction (IF-NRL, SF-NRL, RRc-NRL).
- 21 (d)(f) Regional racetracks (RRv, BR-LI, BR-HI).
- 22 (e)(g) Fairgrounds (RRv).
- 23 (f)(h) Stadiums/arenas (RRc-NRL, RRv, BR-LI, BR-HI).
- 24 (g)(i) Colleges/State educational facilities (SF-NRL, RRc-NRL, RRv).
- 25 (h)(j) Regional transportation facilities (SF-NRL, RRc-NRL, RRv, BR-LI, BR-HI).
- 26 (i)(k) In-patient substance abuse and mental health facilities (RRv).
- 27 (j)(l) Hospitals (RRv, RI, BR-LI).
- 28 (k)(m) Regional performing center (RRv, RI, RVR, BR-LI).

29 Additional unclassified uses may be determined by the Administrative Official.

30 (3)– (6) No change.

31 **14.16.720 Personal wireless services facilities.**

32 (1) – (11) No change.

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

- 35 (a) – (b) No change.
- 36 (c) Permits Required. Permits are required for all personal wireless service facilities as follows:
 - 37 (i) No change.
 - 38 ~~(ii) Building permits shall be required for new construction projects located within the Bayview~~
39 ~~Ridge Light Industrial (BR-LI), Bayview Ridge Heavy Industrial (BR-HI), Natural~~
40 ~~Resources Industrial (NRI), Industrial Forest Natural Resource Lands (IF-NRL), Rural~~
41 ~~Marine Industrial (RMI), and Rural Freeway Services (RFS) districts.~~
 - 42 (ii)(iii) Building permits and administrative special use permits shall be required for projects
43 located within the Bayview Ridge Light Industrial (BR-LI), Bayview Ridge Heavy
44 Industrial (BR-HI), Natural Resources Industrial (NRI), Rural Marine Industrial (RMI),
45 Rural Freeway Services (RFS), Urban Reserve Commercial-Industrial (URC-I), Hamilton
46 Industrial (H-I), Rural Village Commercial (RVC), Rural Center (RC), Rural Business
47 (RB), Agricultural (Ag-NRL), Secondary Forest (SF-NRL), Rural Resource (RRc-NRL),
48 Industrial Forest-Natural Resource Lands (IF-NRL), Urban Reserve Public Open Space
49 (URP-OS), Public Open Space of Regional/State Importance (OSRSI), and the Master

- 1 Planned Resort (MPR) zones and on projects located within the (c), (d), (e) and (f) priority
2 locations of Subsection (10) of this Section.
- 3 (iii)(iv) Building permits and Hearing Examiner special use permits shall be required for projects
4 located within the Rural Intermediate (RI), Rural Village Residential (RVR), Urban Reserve
5 Residential (URR), Hamilton Urban Reserve (H-URv), Rural Reserve (RRv), Small Scale
6 Business (SSB), and Small Scale Recreation and Tourism (SRT) zoning districts and for (g)
7 and (h) priority locations of Subsection (10) of this Section.
- 8 (d) - (f) No change.
- 9 (13) - (20) No change.

10 **14.16.820 Signs.**

- 11 (1) - (2) No change.
- 12 (3) General Sign Regulations. The following general requirements shall apply to sign regulations in all
13 zoning districts in Skagit County.
- 14 (a) - (b) No change.
- 15 (c) Building Permits. Building permits shall be required for the erection, alteration, or reconstruction
16 of wall-mounted~~roof~~ signs, electrified signs and freestanding signs in excess of 32 square feet, or
17 greater than 6 feet in height. A change in information on the face of an existing sign shall not
18 constitute an alteration.
- 19 (d) - (n) No change.
- 20 (4) Exempt Signs. All signs exempt from this Section shall be nonilluminated and adhere to Subsections
21 (3)(j), Sight Distance, and (3)(k), Traffic Safety, of this Section. The following signs are exempt from
22 the provisions of this Section except as specifically noted in this Subsection:
- 23 (a) No change.
- 24 (b) Community Identification Signs. Community identification signs shall be exempt, provided they
25 are 60 square feet or less in size. In the Alger Community Planning area, community
26 identification signs shall be 40 square feet or less in size.
- 27 (c) - (k) No change.
- 28 (5) - (7) No change.
- 29 (8) Commercial Business Signs. Each operating enterprise, institution or business shall be permitted to
30 have 2 on-site business identification signs per building entrance and 1 off-premises sign as defined
31 and regulated by Subsection (10) of this Section unless otherwise provided herein. In the Rural
32 Village Residential and Commercial zones, each operating enterprise, institution or business shall be
33 permitted to have 1 on-site business identification sign per building entrance and 1 off-premise sign
34 as defined and regulated by Subsection (10) of this Section unless otherwise provided herein.
35 Business signs shall be incorporated into the landscaping of the site when landscaping is provided and
36 should be designed to reflect the surrounding rural character in design and size. In addition to the
37 other requirements of this Subsection, business signs are subject to the following size requirements:
- 38 (a) Maximum wall sign area shall not exceed 2 square feet for each lineal foot of the building wall on
39 which the sign is attached, not to exceed 40 square feet. In the Rural Village Commercial zone in
40 Alger, wall signs may be up to 4 square feet for each lineal foot of the building wall.
- 41 (b) Maximum freestanding sign area shall not exceed 1 square foot for each 5 lineal feet of street
42 frontage, not to exceed 40 square feet except for tourism-related signs subject to the provisions of
43 Subsections (7)(b), (c) and (f) of this Section. In the Rural Village Commercial and Rural Village
44 Residential areas of Alger, maximum freestanding sign area shall not exceed 20 square feet and
45 shall be no higher than 12 feet.
- 46 (c) No change.
- 47 (9) - (11) No change.

48 **14.16.830 Landscaping requirements.**

- 49 (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)(5) 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 (i.e. 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 1 or more of the exceptions described in Subsection (4)(c) of this Section.
- (i) - (iii) No change.
- (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 from future development (i.e. 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 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) - (D) 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 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) - (E) 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) Approved special uses identifiable through the Departments 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

14.18.000 General.

- (1) - (4) No change.

- (5) General Requirements. The following requirements shall be met for any land division under this Chapter to be approved. In addition to these general requirements, any specific requirements relevant to each individual type of land division are found in their respective sections of this Chapter.

- (a) - (g) No change.

- (h) The proposal shall be located within an official designated boundary of a Skagit County Fire Protection District, unless the division is to divide land for sale only and no development right is desired. In the case of Industrial Forest-NRL, Secondary Forest-NRL and Rural Resource-NRL zoned lands, parcels must have been within the boundaries of a fire district as of July 26, 2005, to be considered for development additional to that which is allowed pursuant to 14.16.850(6)(b)(iii). The one exception is for land divisions for residential purposes on certain saltwater islands, as further described and allowed under SCC 14.16.850(6)(b)(iv). Prior to approval of any residential land division outside of a Skagit County Fire District, there shall be a water supply to each lot that meets the minimum flow and pressure requirements for operation of a fire sprinkler system installed per National Fire Protection Association (NFPA) 13D or such other fire protection system as approved by the Skagit County Fire Marshal.

- (i) - (n) No change.

- (6) - (10) No change.

1 **14.18.100 Preliminary subdivisions.**

2 (1) – (2) No change.

3 (3) Review Process.

4 (a) - (b) No change.

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

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

9 (e) No change.

10 (4) – (7) No change.

11 **14.18.310 General approval provisions—CaRD.**

12 (1) – (4) No change.

13 (5) Designation, Allowed Uses, and Preservation of Open Space. Open space within a CaRD shall be
14 designated per the following 6 categories, based on the zoning designation and characteristics of the
15 site. Accessory structures to the primary use of each open space designation are allowable if allowed
16 by the underlying zoning. CaRDs may contain more than 1 type of open space; provided that all open
17 space shall be within 1 tract or lot.

18 (a) No change.

19 (b) Open Space Natural Resource Lands (Os-NRL). The purpose of this open space is to preserve
20 the natural resource lands within the County by clustering development and leaving the
21 remainder open for resource production. The open space within CaRDs zoned Ag-NRL, IF-
22 NRL, SF-NRL, or RRc-NRL shall be placed in this category, unless designated Os-PA, subject
23 to the provisions of Chapter 14.24 SCC, the Critical Areas Ordinance. All open space designated
24 Os-NRL shall be placed in a natural resource lands easement (NRLE), which restricts the grantor
25 and its heirs, successors and assigns from exercising rights to use and subdivide the land for any
26 and all residential, recreational, commercial, and industrial purposes and activities which are not
27 incidental to the purpose of the NRLE until such time that the land no longer has long-term
28 commercial significance for the production of food, agriculture products, timber or extraction of
29 minerals. Property is restricted to natural resource production as defined in the NRLE; provided,
30 that it may be used for those uses outlined in the underlying zone (except for a dwelling unit). In
31 the case of Agriculture and Industrial Forest lands, restrictions defined in the NRLE may only be
32 extinguished upon a declaration in a court of competent jurisdiction finding that it is no longer
33 possible to commercially use the property for the production of food, agriculture products,
34 timber, or extraction of minerals.

35 (i) Forest practice activities meeting the definition of a Class IV General, non-conversion
36 under RCW 76.09 on parcel(s) designated as Natural Resource Lands on which a natural
37 resource lands easement (NRLE) has been established shall not require standard critical area
38 review pursuant to SCC 14.24.070(13), provided that all of the following have been
39 submitted and deemed sufficient:

40 (A) a statement of non-conversion,

41 (B) proof that the parcels are currently enrolled in the current use taxation program and
42 comply with the provisions of RCW 84.33 (open space timber), and

43 (C) a Class IV General, non-conversion forest practice permit obtained from the
44 Washington Department of Natural Resources that is consistent with the NRLE
45 agreement.

46 (c) - (f) No change.

47 (6) - (9) No change.

48 **14.18.500 Binding site plans.**

49 (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 ~~IIII-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-~~HE~~-PC 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

14.24.070 Activities allowed without standard review.

The following developments, land use activities and associated uses are allowed without standard critical areas review; provided, that they are consistent with other applicable provisions of this Chapter and other chapters of the Skagit County Code. All such activities shall be carried out in ways that cause the least impact to critical areas and their buffers. If any damage is caused to a critical area or buffer in connection with such activity, the critical area and its buffer must be restored to the extent feasible. To be allowed without standard review does not give permission to destroy a critical area or ignore risk. Proponents of such activities shall be responsible for notifying the Administrative Official if any damage occurs and shall provide all necessary restoration or mitigation.

- (1) - (12) No change.

(13) Forest practice activities meeting the definition of a Class IV General, non-conversion under RCW 76.09 on parcel(s) designated as Natural Resource Lands on which a natural resource lands easement (NRLE) has been established under the provisions of SCC 14.18.310(5)(b), and provided that all of the following have been provided:

- (a) a statement of non-conversion,
- (b) proof that the parcels are currently enrolled in the current use taxation program and comply with the provisions of RCW 84.33 (open space timber), and

(c) a Class IV General, non-conversion forest practice permit obtained from the Washington Department of Natural Resources that is consistent with the NRLE agreement.

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.

14.24.520 Fish and wildlife habitat conservation area site assessment requirements and management plans.

(1) Any project within 200 feet of a fish and wildlife habitat conservation area requires a fish and wildlife HCA site assessment. In addition to the requirements of SCC 14.24.080, the following shall be included in the site assessment:

(a)(1) An analysis of the functions and values analysis of the critical area(s), that which includes but is not limited to a discussion of water quality/quantity and fish and wildlife habitat; and

(b)(2) An analysis of the riparian buffer areas above the ordinary high water mark including the following five functions identified in 14.24.530(1)(a)(i):

(i)(a) Recruitment of large woody debris (LWD) to the stream;

(ii)(b) Shade;

(iii)(c) Bank integrity (root reinforcement);

(iv)(d) Runoff filtration;

(v)(e) Wildlife habitat.

(2) If the Administrative Official determines that an activity may have an adverse effect on any fish and wildlife habitat conservation areas, including habitats and species of local importance, the applicant must implement a habitat management plan as set forth in the site assessment requirements in SCC 14.24.080 and this Section.(Ord. 17938 Attch. F (part), 2000)

(a)(3) Bald eagle habitats shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292), as revised; a cooperative habitat management plan shall be developed

in coordination with the Department of Fish and Wildlife whenever activities that alter habitat are proposed near a verified nest territory or communal roost. (Ord. 17938 Attch. F (part), 2000)

~~(4) All other fish and wildlife habitat conservation areas, including habitats and species of local importance, shall be protected on a case-by-case basis by means of a habitat management plan based on the Washington State Priority Habitat and Species (PHS) program, as set forth in the site assessment requirements in SCC 14.24.080 and this Section. (Ord. 17938 Attch. F (part), 2000)~~

14.24.530 Fish and wildlife habitat conservation area protection standards.

(1) Riparian Buffers. Riparian buffers apply only to streams and rivers.

(a) Intent of Riparian Buffers. The intent of riparian buffers is to protect the following five basic riparian forest functions that influence in-stream and near-stream habitat quality:

- (i) Recruitment of large woody debris (LWD) to the stream: LWD creates habitat structures necessary to maintain salmon/trout and other aquatic organisms productive capacity and species diversity.
- (ii) Shade: Shading by the forest canopy maintains cooler water temperatures and influences the availability of oxygen for salmon/trout and other aquatic organisms.
- (iii) Bank integrity (root reinforcement): Bank integrity helps maintain habitat quality and water quality by reducing bank erosion and creating habitat structure and in-stream hiding cover for salmon/trout and other aquatic organisms.
- (iv) Runoff filtration: Filtration of nutrients and sediments in runoff (surface and shallow subsurface flows) helps maintain water quality.
- (v) Wildlife habitat: Functional wildlife habitat for riparian-dependent species is based on sufficient amounts of riparian vegetation to provide protection for nesting and feeding.

(b)(1) Standard Riparian Buffers Measurement. Riparian buffer areas shall be measured horizontally in a landward direction from the ordinary high water mark. Where lands adjacent to a riparian area display a continuous slope of 25% or greater, the buffer shall include such sloping areas. Where the horizontal distance of the sloping area is greater than the required standard buffer, the buffer shall be extended to a point 25 feet beyond the top of the bank of the sloping area. Riparian areas do not extend beyond the toe of the slope on the landward side of existing dikes or levees within established dike districts along the Skagit and Samish Rivers.

(c) Standard Riparian Buffer Widths. Riparian areas have the following standard buffer widthsrequirements:

DNR Water Type	Riparian Buffer
S	200 feet
F > 5 feet wide*	150 feet
F ≤ 5 feet wide*	100 feet
Np	50 feet
Ns	50 feet

*Bankfull width of the defined channel (WAC 222-16-010).

(2) Lake and marine shoreline Buffers. Lake and marine shoreline areas have the following standard buffers widths, based on ~~will be determined by~~ the shoreline area designations as defined ~~in~~ by the Shoreline Master Program (Chapter SCC14.26 SCC). ~~Shoreline areas have the following standard buffer requirements:~~

Shoreline Area Designations	Shoreline Buffer
Natural	200 feet
Conservancy	150 feet
Rural	100 feet
Rural Residential	100 feet
Urban	140 feet

(4)(3) Where a buffer has been previously established after June 13, 1996, through a County development review and is permanently recorded on title or placed within a separate tract or easement, the buffer shall be as previously established. Additional review may be requested by the applicant or required by the Administrative Official to determine whether or not conditions on site have changed resulting in the previously established buffer no longer being applicable.

(5)(4) Where a legally established and constructed public roadway transects a riparian buffer, the Department may approve a modification of the standard buffer width to the edge of the roadway, provided:

- (a) The isolated part of the buffer does not provide additional protection of the riparian area; and
- (b) The isolated part of the buffer provides insignificant biological, geological or hydrological buffer functions relating to the riparian area; and
- (c) If the resulting buffer distance is less than 50% of the standard buffer for the applicable stream type or shoreline designation, no further reduction shall be allowed. (Ord. O20080014 (part))

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) - (c) 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) - (j) No change.
- (3) - (5) No change.

14.34 Flood Damage Prevention

14.34.190 Standards for development activities in floodways.

Located within areas of special flood hazard established in SCC 14.34.050 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwater that carries debris, potential projectiles, and erosion potential, the following provisions apply:

- (1) No change.
- (2) Prohibit construction or reconstruction, repair or replacement of residential structures except for:
 - (a) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and provided the cost of such reconstruction, repair, or improvement shall be calculated cumulatively with any other activity occurring during the previous 10 years and the total of all

improvements or repairs shall not exceed 50% of the market value of the structure as established in the first year of the 10 year period.

- (b) Repair of a structure subsequent to sustaining damage of any origin when the cost of restoring the structure to its pre-damaged condition as calculated cumulatively with any other activity occurring during the previous 10 years and the total of all improvements or repairs shall not exceed 50% of the market value of the structure as established in the first year of the 10 year period and prior to the damage. Repairs, reconstruction, or improvements to a structure the cost of which does not exceed 50% of the market value of the structure either:

- (i) Work done on structures to comply with existing health, sanitary, or safety codes when determined by the Administrative Official, or to structures identified as historic places, may be excluded in the 50% determination. Before the repair, reconstruction, or improvement is started; or
- (ii) If the structure has been damaged and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes when determined by the Administrative Official, or to structures identified as historic places, may be excluded in the 50% determination.

- (c) No change.

(3) - (4) 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) - (B) No change.

- (C) A statement advising that the order shall become final ~~unless, no later than fifteen (15)~~ calendar days after the notice and order ~~are~~ is served ~~unless~~ any person aggrieved by the order files ~~an~~ a written appeal ~~to with 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~~ after the notice and order is served. Appeals shall be will be processed ~~and~~ in accordance with Chapter 14.06 SCC. (Ord. O20050003 (part); Ord. 17938 Atch. F (part), 2000)