

1        **Section 3: Skagit County Code Section 14.16.190 is hereby amended to read**  
2 **as follows:**

3  
4 **14.16.190        Bayview Ridge Heavy Industrial (BR-HI).**

- 5 1) Purpose. The purpose of the Bayview Ridge Heavy Industrial zone is to allow for  
6 industrial developments that have the potential for more than a minimal level of  
7 disturbance to adjacent properties, and uses requiring rail access, more direct  
8 access to SR20 and/or access to high capacity utilities such as fiber optics, high  
9 voltage electrical lines, and gas lines.
- 10 2) Permitted uses.
- 11 a) Agricultural uses, on an interim basis until industrial development; provided  
12 that residences shall not be allowed as a principal use.
- 13 b) ~~Commercial uses, including offices, but excluding retail uses such as the sales~~  
14 ~~of goods or services, except that incidental retail sales and services are~~  
15 ~~permitted as accessory uses under Subsection (3) below.~~
- 16 c) Historic site open to the public.
- 17 d) Manufacture, processing, treatment, storage, fabrication, assembly or  
18 packaging of any product from natural or synthetic materials, including the  
19 indoor and/or outdoor storage of raw materials and other inputs as appropriate  
20 for said uses.
- 21 e) Off-premises sign.
- 22 f) Other light-industrial uses not already described above.
- 23 g) Personal wireless services towers, subject to SCC 14.16.720.
- 24 h) Repair and storage facilities for equipment, including heavy equipment,  
25 marine equipment, boats, airplanes, ~~and~~ automobiles, trucks, and recreational  
26 vehicles.
- 27 i) Research, development and testing facilities.
- 28 j) Warehousing, distribution and storage facilities ~~not open to retail customers.~~
- 29 k) Industrial and farm machinery equipment dealerships which would allow the  
30 sale, rental and repair of new and used industrial and farm machinery and  
31 equipment.
- 32 l) Agricultural processing facilities.
- 33 m) Lumber yards.
- 34 n) Rail terminals and intermodal truck/rail storage and shipping facilities.
- 35 o) Cold storage facilities.
- 36 p) Automobile wrecking to the extent the same is determined to be adequately  
37 screened from adjacent sites and uses.
- 38 q) Construction contractors, including general and specialized contractors such  
39 as building construction, electrical, excavation, heating, and paving.
- 40 r) Wholesale trade of durable and non-durable goods, including, but not limited  
41 to, food distributors, beverage distributors, plumbing, heating supplies,  
42 electrical supplies, construction supplies and equipment, communication and  
43 other electronics equipment and supplies, and other related businesses with  
44 incidental retail trade.
- 45 s) Bulk commodity storage and rail/truck trans-shipment terminals.
- 46 t) Food processing

1 u) Security services/armored car depots and services

2 v) Vocational educational and training facilities

3 w) Communication utilities

4 x) Utility services

5 3) Accessory Uses.

6 a) Caretaker's quarters

7 b) Eating and drinking establishments primarily serving facilities and employees  
8 located in the Bayview Ridge ~~Subarea Interim UGA.~~ Provided that the square  
9 footage of any such establishment shall be less than 750 feet in gross floor  
10 area.

11 c) Incidental retail sales of products manufactured, processed, distributed,  
12 produced, or assembled on-site; provided that, the floor area allocated to retail  
13 sales of products distributed on site shall no be greater than 10% of the gross  
14 floor area of the building occupied by the distribution facility and in no event  
15 shall said retail sale are be greater than 2000 square feet of gross floor area.

16 d) ~~On-site day care.~~ Day care facilities primarily serving employees located  
17 within the Bayview Ridge Subarea.

18 e) ~~On-site hazardous waste treatment and storage facilities that are an accessory~~  
19 ~~use to an otherwise permitted use on the site, provided such facilities comply~~  
20 ~~with the State Hazardous Waste Siting Standards and County and State~~  
21 ~~Environmental Policy Act requirements.~~

22 ef) ~~On-site recreational facilities.~~ Recreational facilities primarily serving  
23 facilities and employees in the Bayview Ridge subarea.

24 fg) Outdoor storage of processed and unprocessed natural materials, waste  
25 materials or other similar materials used in conjunction with a permitted,  
26 accessory, or special uses. ~~in quantities that total less than 500 cubic yards.~~

27 i) Electrical generating plants producing less than 50 megawatts of electricity  
28 and electrical substations and gasworks related to subsection (2) above.

29 4) Administrative Special Uses.

30 a) Expansion of existing major public uses up to 3,000 square feet.

31 b) Minor public uses.

32 c) Minor utility developments.

33 d) Outdoor storage of materials in quantities greater than 50 cubic yards that may  
34 have a potential health hazard ~~(for example, animal carcasses).~~ Does not  
35 include storage of hazardous materials.

36 e) ~~Outdoor storage of processed and unprocessed natural materials in quantities~~  
37 ~~greater than 500 cubic yards that do not have a potential health hazard.~~

38 fe) Temporary outdoor event.

39 gf) Trails and primary and secondary trailheads.

40 5) Hearing Examiner Special Uses.

41 a) ~~Adult entertainment~~

42 b) ~~Auto wrecking~~

43 c) ~~Billboards.~~

44 d) ~~Major public uses and expansions of existing major public uses, 3,000 square~~  
45 ~~feet and greater.~~

1 | bd) Major public uses and expansion of existing major public uses, 3,000  
2 | square feet and greater.

3 | ce) Major utility developments.

4 | df) On-site hazardous waste treatment and storage facilities that are an accessory  
5 | use to an otherwise permitted use on the site, provided such facilities comply  
6 | with the State Hazardous Waste Siting Standards and County and State  
7 | Environmental Policy Act requirements.

8 | eg) Recreational racetracks.

9 | i) ~~Salvage yards~~

10 | j) ~~Storage of unlicensed and/or inoperable vehicles.~~

11 | k) ~~Structures greater than 40 feet in height.~~

- 12 | 6) Additional Special Uses in Heavy Industrial Overlay. The following additional  
13 | special uses shall be permitted, subject to a Hearing Examiner review and  
14 | recommendation, provided that the Hearing Examiner must find that the proposed  
15 | special use on-site operations do not pose any demonstrable threat of  
16 | contamination to the adjacent AG-NRL designated lands, provided that all other  
17 | applicable local, State and Federal regulations regarding environmental  
18 | disturbance are met, and provided that permanent land disposal of hazardous  
19 | waste, oil refinery, mineral smelting and other similar operations shall not be  
20 | allowed:

21 | a) ~~All uses classified as a Group H occupancies as specified under Section 301 of~~  
22 | ~~the Uniform Building Code.~~

23 | b)a) On-site and off-site hazardous waste treatment and storage facilities  
24 | that are a principle use of the property are permitted provided that such  
25 | facilities comply with the State Hazardous Waste Siting standards and County  
26 | and State Environmental Policy Act requirements; and

27 | e)b) Solid waste processing, recycling and transfer facilities.

- 28 | 7) Dimensional Standards.

29 | a) Setbacks:

30 | i) Front: 35 feet.

31 | ii) Side: Shall be in compliance with the adopted Building Code of Skagit  
32 | County ~~None~~ if adjacent to other commercial/industrial zoning  
33 | designations, and 25 feet if adjacent to other zoning designations.

34 | iii) Rear: Shall be in conformance with the adopted Building Code of Skagit  
35 | County if adjacent to other commercial/industrial zoning designations and  
36 | 25 feet if adjacent to other non commercial/industrial designations. None  
37 | where the rear yard is on the airfield side of the building. In other cases, a  
38 | distance of up to a maximum of 35 feet except when said rear line abuts a  
39 | BR I, BR HI or NRI zone. Setbacks shall then be a minimum of 35 feet.

40 | iv) Accessory: Same as principal buildings. ~~Canopies or gasoline pumps~~  
41 | ~~may be setback 15 feet from the street right of way.~~

42 | v) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).

43 | b) Maximum Height: Consistent with the adopted Building Code of Skagit  
44 | County and shall conform to applicable Federal Aviation Administration  
45 | regulations concerning height restrictions when located within the Airport  
46 | Environs Overlay, Chapter 14.16.210 Structures that exceed 40 feet in height

1 shall be considered a Hearing Examiner Special Use unless otherwise exempt  
2 from this provision.

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

6 8) Buffering of Industrial and Non industrial Land: ~~A substantially sight obscuring~~  
7 ~~buffer shall be required on any industrially designated land located adjacent to~~  
8 ~~non industrially designated land as a condition of any industrial development~~  
9 ~~approval on that land. Provisions for a substantially sight obscuring buffer on any~~  
10 ~~non industrially designated land adjacent to industrially designated land shall be~~  
11 ~~required as a condition of any land division proposed CaRD development on that~~  
12 ~~non industrially designated land. The requirement for the sight obscuring buffer~~  
13 ~~shall pertain to the first of the adjacent industrial/non industrial parcels described~~  
14 ~~above to develop, and if such a buffer already exists between adjacent~~  
15 ~~industrial/non industrial parcels, duplication of such buffer is not required. For~~  
16 ~~purposes of this Subsection, "adjacent" includes lands separated only by a road or~~  
17 ~~easement. Landscaping shall be provided as required by Skagit County Code~~  
18 14.16.830.

19 9) Additional requirements related to this zone are found in SCC 14.16.210,  
20 14.16.215, 14.16.600-.900 and the rest of the Skagit County Code.