

1 **Section 9: Skagit County Code Section 14.16.215 is hereby deleted as follows:**
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3 **14.16.215 — Bayview Ridge Urban Growth Area.**
4

5 **1) Limitation on Development in Bayview Ridge UGA to 235 Acres of Buildable Area, and**
6 **Establishment of Building Credit System**

7 a) ~~Limitation on Development in Bayview Ridge UGA:~~

8 i) ~~To address potential concerns regarding the size of the UGA based upon the~~
9 ~~Countywide Planning Policy 1.1 (“CPP”) allocation of undeveloped~~
10 ~~commercial/industrial land, development in this UGA outside of property owned by~~
11 ~~Port of Skagit County and John Brink shall be limited to 235 acres of “Buildable~~
12 ~~Land” until the Subarea Plan and implementing development regulations for the~~
13 ~~UGA, is adopted by Skagit County. Once adopted, that Subarea Plan and those~~
14 ~~implementing development regulations, including any acreage limitations or revised~~
15 ~~final UGA area shall replace this ordinance. Until then, the property owned by the~~
16 ~~Port of Skagit County and the property owned by John Brink that were not subject to~~
17 ~~the Hearings Board Order of Invalidity on September 14, 1999, shall not be subject to~~
18 ~~the 235 acre limitation of this subsection (1).~~

19 ii) ~~“Buildable Land” shall include the total acreage of the parcel or parcels of land in the~~
20 ~~complete building permit application that is required to accommodate the proposed~~
21 ~~building, together with any land area required to meet the requirements of Skagit~~
22 ~~County Code for access, parking, yards, setbacks, landscaping, lot coverage, floor~~
23 ~~area ratio and on-site sewage system requirements, as applicable;~~

24 iii) ~~The amount of area not available for development due to presence of critical areas or~~
25 ~~required buffers, as defined in the Skagit County Critical Areas Ordinance, SCC~~
26 ~~14.24 and the amount of land within the parcel or parcels to be dedicated or conveyed~~
27 ~~to the County or other public entity for roads, utilities, parks or other government~~
28 ~~facilities and services shall not be included in any calculation of “Buildable Land” for~~
29 ~~purposes of this building credit system.~~

30 b) ~~Building Credit System: Buildable Land, up to the 235 acre limit described above, shall~~
31 ~~be available for development on a first come, first served basis, using the following~~
32 ~~“Building Credit” system:~~

33 i) ~~When the County has determined that a complete building permit application has~~
34 ~~been filed, the applicant shall be entitled to a building credit reservation of the~~
35 ~~amount of Buildable Land within the complete permit application. The County shall~~
36 ~~not accept applications for, nor issue building credit reservations for more than 235~~
37 ~~acres of Buildable Land within the Bayview UGA. This building credit reservation~~
38 ~~shall be converted to actual Building Credit only if/when the building permit has been~~
39 ~~issued.~~

40 ii) ~~Building credit reservations shall be awarded on a first come, first served basis, once~~
41 ~~the application is determined to be complete. If an application is deemed incomplete,~~
42 ~~then the applicant shall not be entitled to a building credit reservation until the~~
43 ~~application has been deemed complete. Once granted, the building credit reservation~~
44 ~~shall remain in effect until the applicant either withdraws the application or the~~
45 ~~County makes a final decision on the building permit pursuant to the provisions of~~
46 ~~SCC 15.04 adopting by reference UBC 106.4.1.~~

- 1 iii) ~~If the building permit is approved, the applicant shall be allocated a building credit~~
2 ~~for the amount of buildable area in the application when the building permit is issued.~~
3 ~~If the applicant does not pick up the building permit within 180 days from the date the~~
4 ~~permit is approved by the County, the applicant shall lose the building credit~~
5 ~~reservation and that amount of buildable area credit shall be available to other permit~~
6 ~~applicants.~~
7 iv) ~~If the building permit is denied, no building credit shall be allocated.~~
8 v) ~~If the building permit application is withdrawn, no building credit shall be allocated.~~
9 vi) ~~Any allocated Building Credit shall run concurrently with and expire consistent with~~
10 ~~the provisions of the building permit with which it is associated. Once the County~~
11 ~~has adopted the Subarea Plan and Implementing Regulations, this Building Credit~~
12 ~~system shall no longer be required and shall be replaced with the applicable~~
13 ~~provisions of the Subarea Plan and Implementing Regulations.~~
14 vii) ~~The County shall monitor building permit applications and Buildable Land for the~~
15 ~~Bayview Ridge UGA, shall keep track of the amount of Building Credit Reservations~~
16 ~~and Building Credits that have been allocated, and shall not accept applications for~~
17 ~~building permits that exceed the maximum 235 acres of Buildable Land until after~~
18 ~~adoption of the Subarea Plan and Implementing Regulations. This information shall~~
19 ~~be made available to the public upon request.~~

20
21 ~~2) **Development Restrictions on Bayview Ridge Residential Area.**~~
22

23 ~~Because the Bayview Ridge Residential Area, identified as map 3(d) of the Skagit County~~
24 ~~Comprehensive Plan Map Portfolio, adopted by Ordinance No. 16550 on May 19, 1997, is~~
25 ~~within one mile of the Bayview Ridge UGA, this property may only be subdivided pursuant~~
26 ~~to CaRD land division regulations (SCC 14.18.300-330). In addition, residential~~
27 ~~development shall also be clustered and designed to address airport environs concerns from~~
28 ~~Skagit County Code 14.16.210 and clustered to maximize separation from industrially~~
29 ~~designated lands.~~

30 ~~3) **Urban Standards for Port of Skagit County Property within the Bayview Ridge UGA.**~~

- 31 a) ~~Because the Port of Skagit County has adopted urban level of service standards for its~~
32 ~~ownership within the Bayview Ridge UGA and because the Port's property was not~~
33 ~~subject to a Finding of Invalidity or a Finding of Noncompliance from the Western~~
34 ~~Washington Growth Management Hearings Board, development on property owned by~~
35 ~~the Port of Skagit County on or before January 23, 1998, shall be subject to the~~
36 ~~requirements of this subsection and not the requirements of subsections (4) (8).~~
37 b) ~~Any proposed development on property owned by the Port of Skagit County shall be~~
38 ~~reviewed for consistency with and conditioned to require provision of the Port urban~~
39 ~~level of service standards adopted by the Port on June 15, 1999, pursuant to Ordinance~~
40 ~~#18264, Attachment 1, Appendix 1. The Port shall provide the County with adequate~~
41 ~~assurances that these levels of service are actually being accomplished consistent with~~
42 ~~Ordinance #18264, Attachment 1, Appendix 1.~~
43 c) ~~The County Public Works Director shall grant an exception to the requirements for curb,~~
44 ~~gutter and sidewalk on property with the Port ownership if the Director determines such~~
45 ~~exception is necessary to protect wetlands and their required buffers under the County's~~
46 ~~Critical Areas Ordinance and if, as an alternative to sidewalks along the street, the Port~~

1 has constructed or will have constructed prior to occupancy, the pedestrian trail system in
2 the vicinity of the proposed development consistent with the trail system adopted by the
3 Port in Resolution No. 99-09 on August 3, 1999, pursuant to Ordinance #18264,
4 Attachment 1, Appendix 2.

5 d) As long as a development on Port property complies with the requirements of this
6 subsection, the Port shall not be required to sign the agreements not to protest future
7 infrastructure and service improvements detailed in subsections (4) (8) as a condition of
8 development approval.

9 e) Any development on property owned by the Port for which a complete application is filed
10 after the effective date of the Subarea Plan and implementing regulations shall be subject
11 to the requirements of that Subarea Plan and implementing regulations.

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13 **4) ~~Street Standards for Bayview Ridge UGA.~~**

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15 a) As a condition of any development approval, including but not limited to, subdivision
16 approvals, for any of the listed permitted, accessory or special uses, within the Bayview
17 Ridge UGA, other than for interim agricultural uses, the property owner shall construct
18 streets which the County determines are consistent within the City of Burlington Street
19 Standards found in Burlington Municipal Code 12.28, as these may be amended. In
20 addition, as a condition of development approval and for all property owned by the same
21 owner in the UGA, the owner shall sign an agreement not to protest a future LID or other
22 pro rata sharing of costs to upgrade or install additional urban standard street
23 improvements, street lights and/or sidewalks within 20 years, if such are determined
24 necessary as part of urban level of service standards in the Subarea Plan process for the
25 Bayview UGA. Credit for prior contributions and improvements that are included in the
26 Subarea facilities plan shall be provided as set forth in subsection (9).

27
28 **5) ~~Water Service in the Bayview Ridge UGA.~~**

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30 As a condition of any development approval for any of the listed permitted, accessory or
31 special uses within the Bayview Ridge UGA, other than for interim agricultural uses, the
32 property owner shall obtain a certificate of water availability for the proposed use from
33 Skagit PUD #1 and connect to the PUD #1 water system. Fire flow requirements shall be as
34 specified in the Skagit County Coordinated Water System Plan. In addition, as a condition of
35 development approval, and for all property owned by the same owner in the UGA, the owner
36 shall sign an agreement not to protest a future LID or other pro rata sharing of costs to
37 upgrade the water system in the future or to install additional urban standard water lines or
38 facilities within 20 years, if such are determined necessary as part of water level of service
39 standards in the Subarea Plan process for the Bayview Ridge UGA or are required to meet
40 the owner's water capacity demands based on PUD #1's development regulations (design
41 criteria). Credit for prior contributions and improvements that are included in the Subarea
42 facilities plan shall be provided as set forth in subsection (9) below.

1 ~~6) Storm Drainage in the Bayview Ridge UGA.~~

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3 As a condition of any development approval for any of the listed permitted, accessory or
4 special uses, other than for interim agricultural uses, the property owner shall construct
5 surface and storm water management improvements as determined by the County to be
6 consistent with the City of Burlington surface water management standards found in
7 Burlington Municipal Code 14.800 through 14.804, as these may be amended. In addition,
8 as a condition of development approval, and for all property owned by the same owner in the
9 UGA, the owner shall sign an agreement not to protest a future LID or other pro rata sharing
10 of costs to upgrade the surface water management system or install additional urban standard
11 storm water management improvements within 20 years, if such are determined necessary as
12 part of surface or stormwater management standards in the Subarea Plan process for the
13 Bayview Ridge UGA. Credit for prior contributions and improvements that are included in
14 the Subarea facilities plan shall be provided as set forth in subsection (9) below.
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16 ~~7) Sanitary Sewer Service in Bayview Ridge UGA~~

17
18 As a condition of development approval for any of the listed permitted, accessory or special
19 uses, other than for interim agricultural use, if the property on which a proposed use is
20 located is within 200 feet of an existing City of Burlington sewer line, the owner must obtain
21 confirmation of sewer availability from the City of Burlington prior to development approval
22 and must connect to the existing sewer line. If the proposed use is located beyond that 200-
23 foot limit, the use may apply for a waiver to operate on an approved holding tank, pursuant to
24 the requirements of Skagit County Code 12.05.130 and .260 and the Washington State
25 Department of Health Standards and Guidance for Holding Tank Sewage Systems, in the
26 interim, subject to the following:
27

- 28 a) ~~the owner's management plan submitted to the County Health Officer pursuant to SCC~~
29 ~~12.05.130(3)(b) must contain a provision for proper disposal of holding tank contents at a~~
30 ~~certified facility;~~
31 b) ~~owners utilizing holding tanks shall record a covenant that if the property is sold, the~~
32 ~~tanks will be certified to be empty and non hazardous unless the new owner gives written~~
33 ~~agreement to accept responsibility for any tank contents;~~
34 c) ~~the required holding tank sewage system for the proposed industrial use is sized for no~~
35 ~~more than 2 Units Volume of Sewage Flow, as defined by Skagit County Code 12.05.030~~
36 ~~(900 gpd); per 20 acres of existing legal parcel area, provided that any existing legal lot~~
37 ~~of record within the Bayview Ridge UGA smaller than 10 acres as of the date of the~~
38 ~~ordinance shall be entitled to construct a holding tank sewage system sized for no more~~
39 ~~than 1 Unit Volume of Sewage Flow (450 gpd), as long as all requirements of Skagit~~
40 ~~County Code 12.05 can otherwise be met;~~
41 d) ~~Between 6 and 12 months after commencement of the operation and once approximately~~
42 ~~every 2 years thereafter until public sewer is connected the County shall evaluate either~~
43 ~~public water record use or all holding tank pumping records to evaluate the actual~~
44 ~~Sewage Volume and verify its consistency with the limits of subsection (7)(c) above. If~~
45 ~~the County relies on holding tank pumping records, the County shall require the property~~
46 ~~owner to certify that the records constitute all of the holding tank pumping services for~~

1 the property. Allowed sewage volume shall be calculated as equal to water use unless the
2 property owner requests separate metering of domestic water and irrigation water to
3 insure a more accurate accounting of water use that will end up in the sewage system.

4 ~~i) The County shall make the results of this monitoring available for public review and
5 inspection.~~

6 ~~ii) The costs of this monitoring may be charged to the property owner or industrial user.~~

7 ~~iii) If the results of any monitoring reflect a problem with the permitted quantity
8 described in this section, then the County shall:~~

9 ~~(1) immediately commence enforcement actions pursuant to existing state and local
10 regulations and expeditiously pursue enforcement actions in Superior Court;~~

11 ~~(2) commence an increased frequency monitoring program to more closely monitor
12 the user and the system for compliance consistent with Skagit County Code
13 12.05.170 and with subsection (7)(c) above;~~

14 ~~(3) shall pursue any other remedies that are available at law to an entity as if it were
15 providing public sewer service to the site; and~~

16 ~~(4) if deemed necessary to protect the public health and safety, the County may
17 advance the schedule to install public sewer to the site.~~

18 ~~e) as a condition of any development approval, and for all property owned by the same
19 owner in the UGA, the property owner agrees for all property owned in said UGA not to
20 protest an LID or other pro-rata sharing in any costs to upgrade and extend public sewer
21 to the property within 20 years. Credit for prior contributions and improvements that are
22 included in the Subarea facilities plan shall be provided as set forth in subsection (9)
23 below;~~

24 ~~f) as a condition of development approval, and for all property owned by the same owner in
25 the UGA, the property owner shall agree to convey any necessary utility easements for
26 future installation of public sewer; and~~

27 ~~g) no expansion of the industrial use or operation shall be permitted that would be
28 inconsistent with the limitations imposed by subsection (7)(c) above.~~

30 ~~8) Other Public Facilities and Services in Bayview Ridge UGA~~

31 ~~As a condition of any development approval for any of the listed permitted, accessory or
32 special uses, other than for interim agricultural uses in the Bayview Ridge UGA, and for
33 other property owned by the same owner in the UGA, the property owner shall sign an
34 agreement not to protest a future LID or other pro-rata sharing of costs to upgrade or install
35 additional urban standard public facilities and services identified in the Subarea Plan process
36 for the Bayview Ridge UGA within 20 years, including, but not limited to fire/emergency
37 and police/sheriff services and facilities. Credit for prior contributions and improvements
38 that are included in the Subarea facilities plan shall be provided as set forth in subsection (9)
39 below.~~

40 ~~9) Credit for Prior Contributions and Infrastructure Improvements~~

41 ~~All of the agreements not to protest a LID or other pro-rata cost sharing arrangement
42 described in subsections (4) through (8) above shall include credit for any contributions or
43 facility construction already made or completed by the individual property owners (or their
44 predecessor in interest) for the particular urban public facility or service contemplated by the
45~~

1 ~~Subarea Plan or LID, including, but not limited to construction of urban standard roads or~~
2 ~~utilities or dedication of property for public facilities.~~