

Skagit County, WA Code

Chapter 14.16 – ZONING

14.16.400 Agricultural—Natural Resource Lands (Ag-NRL)

(1) Purpose. The purpose of the Agricultural—Natural Resource Lands district is to provide land for continued farming activities, conserve agricultural land, and reaffirm agricultural use, activities and operations as the primary use of the district. Non-agricultural uses are allowed only as accessory uses to the primary use of the land for agricultural purposes. The district is composed mainly of low flat land with highly productive soil and is the very essence of the County's farming heritage and character.

(2) Permitted Uses.

- (a) Agriculture.
- (b) Agricultural accessory uses.
- (c) Agricultural processing facilities.
- (d) Co-housing, as part of CaRD, subject to SCC 14.18.300 through 14.18.330.
- (e) Commercial greenhouse operations that are an integral part of a local soil-based commercial agriculture operation.
- (f) Individual or multiple farm composting as an incidental agricultural operation to a working farm with no net loss of soil. The composting operation shall be managed according to an approved nutrient management plan in conjunction with the local Conservation District and Natural Resources Conservation Service (NRCS) standards and all applicable environmental, solid waste, access and health regulations. Such use shall not generate traffic uncommon to a farm operation.
- (g) Family day care provider as defined in Chapter 14.04 SCC; provided, that no conversion of agricultural land is allowed.
- (h) Farm-based business carried on exclusively by a member or members of a family residing on the farm and employing no more than 3 nonresident full-time equivalent employees.
- (i) Historic sites open to the public that do not interfere with the management of the agricultural land.
- (j) Home-Based Business.
- (k) Manure lagoons.
- (l) Cultivation and harvest of any forest products or forest crop and necessary accessory buildings.
- (m) On-site sorting, bagging, storage, and similar wholesale processing activities of agricultural products that are predominantly grown on-site or produced principally from the entire commercial farm operation. Such activities shall be limited to those which are integrally related to the agricultural production and harvesting process.
- (n) Seasonal roadside stands not exceeding 300 square feet.
- (o) Single-family detached residential dwelling unit and residential accessory uses, when accessory to an agricultural use; and provided, that no conversion of agricultural land is allowed for accessory uses.
- (p) Water diversion structures and impoundments related to resource management.

- (q) Wholesale nurseries.
- (r) Anaerobic digester, when accessory to an agricultural use.
- (s) Maintenance, drainage.
- (t) Net metering system, solar.
- (u) Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.

(3) Administrative Special Uses.

- (a) Agricultural slaughtering facilities.
- (b) Bed and breakfast, subject to SCC 14.16.900(2)(c), provided the use is accessory to an actively managed, ongoing agricultural operation and no new structures are constructed outside of the home for lodging purposes.
- (c) Expansion of an existing major or minor utility or public use; provided, that the expansion is designed to utilize the minimum amount of resource lands necessary and meets items in Subsection (3)(c)(i) or (ii) of this Section as well as the item in Subsection (3)(c)(iii) of the following requirements:
 - (i) The expansion is located within the existing building envelope which may include the required landscaping for the approved use;
 - (ii) It is to be sited on existing impervious surface or in existing right-of-way;
 - (iii) The applicant has proven that there is no other viable alternative to providing the expansion on non-natural resource lands.
- (d) Greenhouse operations not otherwise permitted in SCC 14.16.400(2)(e). Greenhouses operating in the Ag-NRL zone as an administrative special use, should they cease operation, shall be required to return the land to its former state or otherwise place the land in agricultural production.
- (e) Home-Based Business, provided no conversion of agricultural land is required to accommodate the business activity.
- (f) Minor public uses related to the provision of emergency services where there is no other viable parcel or non-resource designated land to serve the affected area. Applicants shall demonstrate the need to locate the use in the natural resource land. Analysis of alternatives to the development of the use within the natural resource land must be provided.
- (g) Minor utility developments including those that are a necessary part of a salmon recovery or enhancement project, including stormwater management projects, where there is no other viable parcel of non-agricultural land to locate the project.
- (h) Personal wireless services towers, subject to SCC 14.16.720.
- (i) Seasonal roadside stands not exceeding 2,000 square feet, except as allowed in Subsection (2)(n) of this Section.
- (j) Temporary manufactured homes; provided, that no conversion of agricultural land is allowed.
- (k) Temporary events related to agricultural production; and provided, that no agricultural land is converted and no permanent structures are constructed.
- (l) Trails and primary and secondary trailheads.
- (m) Marijuana production/processing facility in a structure existing as of January 1, 2014.

(4) Hearing Examiner Special Uses.

- (a) Aircraft landing field, private, as an accessory to an agricultural use only, provided the applicant has proven that there is no other viable alternative to providing the service on natural resource lands.
- (b) Concentrated animal feeding operation.
- (c) Expansion of existing natural resource industrial zoned agricultural support service businesses, provided the expansion is limited to only the area necessary for the business; and also provided, that any conversion of agricultural land is minimized to the greatest extent possible.
- (d) Habitat enhancement and/or restoration projects, except mitigation banks as defined by SCC 14.04.020.
- (e) *Repealed by Ord. O20160004.*
- (f) Kennel, limited, if accessory to an existing residence or natural resource operation; and provided, that no resource land is converted or taken out of production.
- (g) Major public uses related to the provision of emergency services where there is no other viable parcel of non-resource designated land to serve the affected area. Applicants shall demonstrate the need to locate the use in the natural resource land. Analysis of alternatives to the development of the use within the natural resource land must be provided.
- (h) Major utility developments where there is no other viable parcel or non-agricultural designated land to serve the affected area. Analysis of alternatives to the development of the utility in the natural resource land must be provided.
- (i) Natural resource research and training facility.
- (j) Outdoor outfitters enterprises as defined in Chapter 14.04 SCC that remain incidental to the primary use of the property for agriculture, result in no conversion of agricultural land; and provided, that temporary lodging, etc., as regulated in SCC 14.16.900(2)(d) is prohibited.
- (k) Primitive marinas with not greater than 3 slips.
- (l) Seasonal roadside stands not exceeding 5,000 square feet, except as allowed in Subsections (2)(n) and (3)(i) of this Section.
- (m) Shooting club (outdoor), with no associated enclosed structures allowed except as needed for emergency communications equipment; and provided, that no conversion of agricultural land is allowed.
- (n) Temporary asphalt/concrete batching as defined and limited in Chapter 14.04 SCC, provided there is no other viable parcel of non-resource designated land to serve the purpose.
- (o) Anaerobic digester.

(5) Dimensional Standards.

(a) Setbacks.

(i) Residential.

(A) Front: 35 feet minimum, 200 feet maximum from public road. Unless specified below or elsewhere in this Chapter, no portion of a structure shall be located closer than 35 feet from the front lot line and no portion of a structure shall be located further than 200 feet from the front lot line. If a parcel is located such that no portion or developable portion of the property is within 200 feet of a public road, the maximum 200-foot setback shall be measured from the front property line. The maximum setback may be waived by Planning

and Development Services where critical areas, preventing the placement of residential structures, are located within the 200-foot setback area. The maximum setback may also be waived by Planning and Development Services in cases where nonfloodplain or nonprime agricultural land is located on the lot outside of the setback area, which would provide for a more appropriate placement of residential structures. In cases where a residence exists outside the setback area, residential accessory structures may be placed outside the setback area if located in accordance with the siting criteria outlined in Subsection (6) of this Section.

(B) Side: 8 feet adjacent to a property line.

(C) Rear: 35 feet.

(D) Accessory: Same as principal structures.

(ii) Nonresidential.

(A) Front: 35 feet.

(B) Side: 15 feet.

(C) Rear: 35 feet.

(b) Maximum height: 40 feet.

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

(c) Minimum lot size: 1/16th of a section of land or 40 acres. Smaller lot sizes are permissible through CaRDs or as provided in SCC 14.16.860.

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

(a) Siting of all structures in the Agricultural—Natural Resource Lands district shall minimize potential impacts on agricultural activities.

(b) When no structures or no compatible structures exist on the subject property or adjacent properties, new structures shall be located in a corner of the property and all development including but not limited to structures, parking areas, driveways, septic systems and landscaping shall be contained within an area of no more than 1 acre. Unless substantial evidence is provided indicating the location is not feasible, wells shall also be located within the 1-acre area whenever possible. Wells located outside of the 1-acre area shall be sited to minimize potential impacts on agricultural activities.

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

(i) Locate new structure(s) within the existing, developed area of any compatible structure(s) in the same ownership, and utilize the existing access road.

(ii) When the provisions of Subsection (6)(c)(i) of this Section are not possible, locate new structure(s) within the existing, developed area of any compatible structure in the same ownership.

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

(7) 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. O20170006 § 1 (Att. 1); Ord. O20160004 § 6 (Att. 6); Ord. O20150005 § 3 (Att. 1); Ord. O20110007 Attch. 1 (part); Ord. O20090011 Attch. 2 (part); Ord. O20090010 Attch. 1 (part); Ord. O20090006; Ord. O20080012 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. O20050003 (part); Ord. O20030021 (part); Ord. R20020130 (part); Ord. 18375 §§ 4 (part), 5, 2001; Ord. 18069 Appx. A (part), 2000; Ord. 17938 Attch. F (part), 2000)

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14.16.860 Agricultural land preservation

(1) Purpose. The following zoning provision is intended to encourage long-term agricultural land protection. Owners of an existing house in the Agricultural-Natural Resource Lands or Rural Resource-Natural Resource Lands zones are hereby provided a mechanism to create a substandard lot, by means of a subdivision in cases involving 1 lot of record or by means of a boundary line adjustment in cases involving multiple lots of record, where the net number of lots will not be increased, in consideration for placing a permanent restriction on the balance of the property in the form of an agricultural preservation agreement.

(2) Exceptions.

(a) Exceptions from the dimensional requirements of the SCC may be granted by the Administrative Official through the use of a County-adopted agricultural preservation agreement and agricultural use covenant and agreement relating to development rights, if they:

- (i) Are not contrary to the public interest;
- (ii) Are not contrary to the Skagit County Comprehensive Plan;
- (iii) Do not increase the allowable density as prescribed by the Comprehensive Plan, and satisfy the criteria listed below:
 - (A) Parcel consists of predominantly Lowland Prime Soils (as defined by the Skagit County Planning and Permit Center's "Farmland Soils Map").
 - (B) Parcel is zoned Agriculture-NRL or Rural Resource-NRL.
 - (C) Residential lots may not exceed 1 acre in size unless site constraints preclude placement of a well or septic system.

(iv) An agricultural use covenant is placed on the remainder of the property and granted to Skagit County. The covenant is an interest in real property under the provisions of RCW 64.04.130 and will be held in trust by Skagit County. The covenant will remain in effect until a court of competent jurisdiction finds that it is no longer

possible to commercially use the property for the production of food or agricultural products. In lieu of granting an agricultural use covenant to Skagit County, the property owner may convey a substantially similar conservation easement to a nonprofit Skagit County-based land trust or other qualified conservation organization as defined in RCW 84.34.250.

(v) If these criteria are met, and a parcel has more than 1 residential structure existing as of September 11, 1996, then separate lots may be created for each such primary residence; provided, that the requirements stated above are met for each lot.

(b) Exceptions from the site assessment requirements of Chapter 14.24 SCC may be granted by the Administrative Official; provided, that:

(i) The short subdivision does not include additional “development” as defined under SCC 14.04.020; and

(ii) All subsequent development on the segregated homesite and/or the remainder parcel(s) shall require complete standard critical areas review pursuant to Chapter 14.24 SCC.

(Ord. 020080014 (part); Ord. 020070009 (part); Ord. 020050003 (part); Ord. 17938 Attch. F (part), 2000)

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