

An Ordinance Adopting Amendments to SCC Titles 14 and 15 Regarding Permits and Application Procedures

Whereas Goal 7 of the Growth Management Act (RCW 36.70A.020) provides that local government permit applications should be processed in a timely and fair manner to ensure predictability;

Whereas RCW Chapter 36.70B, Local Project Review, provides the state rules governing permit procedures and has recently been updated by state legislation, including 2SSB 5290 (2023);

Whereas the County's permit procedures have not been comprehensively revised since they were adopted in the year 2000;

Whereas County permit procedures should be written in plain language, well-organized, and easy to use, and ensure an appropriate amount of public comment opportunity is provided for an application based on the complexity and amount of discretion in the type of application;

Whereas the Department issued a SEPA threshold determination of non-significance and published the proposal for public comment on May 23, 2024;

Whereas the Planning Commission held a public hearing on June 18, 2024;

Whereas the Planning Commission approved a recorded motion recommending the proposal on , as shown in Exhibit B;

Whereas the Board of County Commissioners directed minor changes to implement the Planning Commission's recommendation, correct cross-references, adjust types of review for land divisions, and add an appeal opportunity for type 2 reviews;

Whereas the Department made the final draft text available for additional public comment from July 25 through August 8;

Now Therefore Be It Ordained by the Board of County Commissioners:

Section 1. Chapters 14.02, 14.04, 14.06, 14.10, 14.14, 14.16, 14.18, 14.20, 14.22, 14.24, 14.32, 14.44, 15.04, and 16.12 of the Skagit County Code are hereby amended as shown in Exhibit A. All instances of "Administrative Official" in Title 14 are replaced with "Director." All instances of "development permit" in Title 14 are replaced with "project permit."

Section 2. An application for a project permit that is submitted but not yet approved on the effective date of this ordinance is subject to the new procedures described in this ordinance.

Section 3. A project permit issued on or before the effective date of this ordinance may only be appealed pursuant to the new procedures described in this ordinance.

Section 4. Pursuant to RCW 36.70B.230, a copy of this ordinance must be transmitted to the County Assessor.

Section 5. This ordinance is effective ~~November 12~~ November 12, 2024.

DATED this 12 day of August, 2024.

**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**



Attest:

Linda Hammond

Clerk of the Board

Peter Browning, Chair

Lisa Janicki

Lisa Janicki, Commissioner

Ron Wesen

Ron Wesen, Commissioner

Recommended:

[Signature]

Department Head

Approved as to form:

Erik Pedersen

Civil Deputy Prosecuting Attorney
Erik Pedersen, Reviewed 8/8/2024

Exhibit A

Code Amendments

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Chapter 14.02 General Provisions

14.02.010 General provisions Purpose

~~Purpose.~~ The purpose of this Title is to implement the Revised Code of Washington (RCW) and the Skagit County Comprehensive Plan on matters concerning land and building development and other related issues. It is the further purpose of this Title to:

No further change to the text of this section.

14.02.020 Name

~~This Title may be cited as either the Skagit County Unified Development Code (UDC) or SCC Title 14.~~

New section 14.02.020 Applicability

This Title applies to all land within unincorporated Skagit County except as allowed by law.

14.02.030 Rules of interpretation.

- ~~(1) For the purposes of this Code, all words used in the Code shall have their normal and customary meanings, unless specifically defined otherwise in this Code.~~
- ~~(2) Words used in the present tense include the future.~~
- ~~(3) The plural includes the singular and vice-versa.~~
- ~~(4) The words "will" and "shall" are mandatory.~~
- ~~(5) The word "should" indicates that which is recommended but not required.~~
- ~~(6) The word "may" indicates that discretion is allowed.~~
- ~~(7) The word "used" includes designed, intended, or arranged to be used.~~
- ~~(8) The masculine gender includes the feminine and vice-versa.~~
- ~~(9) Distances shall be measured horizontally unless otherwise specified.~~
- ~~(10) The words "code," "ordinance," and "chapter" shall refer to the Skagit County Code (SCC).~~

~~For the purposes of this Chapter and unless specifically defined, words or phrases used shall be interpreted so as to give them the meaning they have in common usage and to give this Title its most reasonable application.~~

New section 14.02.030 Administration.

Except where specifically provided otherwise, the Director of the Planning and Development Services Department is responsible for administration of this Title.

14.02.040 Applicability

~~The provisions of this Title shall be applicable to all land within unincorporated Skagit County except as allowed by law.~~

New section 14.02.040 Rules of interpretation.

- (1) All words in this Title have their normal and customary meanings, unless specifically defined otherwise in this Title.
- (2) Words used in the present tense include the future.

- (3) The plural includes the singular and vice-versa.
- (4) The words “must,” “will,” and “shall” are mandatory.
- (5) The word “should” indicates that which is recommended but not required.
- (6) The word “may” indicates that discretion is allowed.
- (7) The word “used” includes designed, intended, or arranged to be used.
- (8) The masculine gender includes the feminine and vice-versa.
- (9) Distances must be measured horizontally unless otherwise specified.
- (10) Interpretations related to uses in each zone should be based on the “purpose” section of each zone.
- (11) Interpretations of this Title must be consistent with the Comprehensive Plan.
- (12) Where an activity or land use could fall under two definitions, the more specific definition applies.

~~14.02.050 Vesting of applications.~~

Repealed.

New section 14.02.050 Electronic Communication

Anytime a submittal or communication is required in writing by this code, the submittal or communication is authorized and required via the Department’s electronic permit system or via electronic mail unless the context specifically requires otherwise or the applicant is unable to use an electronic system and requires a reasonable accommodation.

14.02.060 Fees.

Fees required of ~~developers~~ applicants for the review of various permits and applications related to this Title may be adopted by resolution of the Board.

14.02.070 Office of Hearing Examiner.

No change.

14.02.080 Planning Commission.

No change.

14.02.090 Records of survey.

No change.

Chapter 14.04 Definitions

14.04.010 Scope

No change.

14.04.020 Definitions

The following definitions are added, deleted, or amended:

Administrative decision: a decision by the Director related to a particular code section that calls for an “administrative decision,” typically used in situations where no other discretionary review is needed or a preliminary decision related to a project permit application is desirable. See applicable type of review in SCC 14.06.150.

~~Administrative Official: the Director of Planning and Development Services, provided the Director may authorize certain staff to act on behalf of the Director, for specific decisions under this Title, as long as the staff is acting under the supervision and direction of the Director. See Director.~~

Appellate Body: the person or board authorized to hear an appeal of a particular type of project permit per SCC 14.06.150.

~~Approving Authority: the person or body in whom the authority is placed to grant a permit. See decisionmaker.~~

~~Board or BOCC: the Board of County Commissioners of Skagit County.~~

~~Building permit: an official document or certification which is issued by the Building Official and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure. Building permit also includes a permit issued per SCC 15.04, including a mobile home permit.~~

~~Closed-record appeal: an appeal to the Board of County Commissioners based on the existing record. an administrative appeal on the record to an appellate body following an open-record where the appeal is on the record with no new evidence and only appeal argument allowed.~~

~~Days: unless otherwise specified, the word “days” shall mean calendar days, not business or working days.~~

Decisionmaker: the person or body with the authority to grant or deny a permit per SCC 14.06.150.

~~Development permit, or development permit application: any land use discretionary, or environmental permit or license required from a local government for a project action, including, but not limited to, construction or exterior alteration of structures, dredging, drilling, dumping, filling, earth movement, clearing or removal of vegetation, Class IV general forest practices, Class III forest practices with Conversion Option Harvest Plans as defined in Chapter 222-16 WAC, or other site disturbance which either requires a permit, approval or authorization from the County or is proposed by a public agency, but excluding the adoption of amendment of a Comprehensive Plan, subarea plan, community plan, functional plan, development regulation or any amendments thereto. a “project permit” as defined in this chapter.~~

Director: The director of the Planning and Development Services department, or a designee of the Director.

~~Final decision: the final decision by the Administrative Official, Hearing Examiner, or Board of County Commissioners~~ decisionmaker on a project permit per SCC 14.06.150.

Hearing body: the person or board that conducts a public hearing per SCC Chapter 14.06

Lot of record: any lot platted or legally created under a Skagit County subdivision ordinance on or after March 1, 1965; any tract of land divided by metes and bounds or fractional section description or platted and recorded with the auditor prior to March 1, 1965; or any tract of land defined by metes and bounds or fractional section description and conveyed by notarized deed prior to March 1, 1965. See also “legal lot of record.”

Lot of record certification: an administrative review process to determine if a determination per SCC 14.06.140 whether a lot was legally created and is eligible for conveyance and/or whether the lot is eligible to be considered for both conveyance and development permits.

Legal lot of record-Lot of record, legal: a definition used prior to the adopting of the June 20, 2000, Unified Development Code referring to a lot of record meeting the aggregation requirements of SCC 14.04.190(5) (as formerly codified). See also "lot of record."

"Open-record hearing:" a hearing, conducted by the hearing body or officer authorized by SCC 14.06.150 to conduct such hearings, that creates the record through testimony and submission of evidence and information.

(1) An open-record hearing held prior to the decision on a project permit is an "open-record pre-decision hearing."

(2) An open-record hearing held on an appeal is an "open-record appeal hearing," if no open-record pre-decision hearing has been held on the project permit.

Party of Record: any person who has testified at a hearing or has submitted a written statement related to a development action project permit application and who provides the County with a complete address, or a person who has formally requested to receive information via a written statement with a complete mailing address, within the official comment period.

Project permit: a "project permit" as defined by RCW 36.70B.020, or any other permit or authorization required by the Department for construction or exterior alteration of structures (including building permits and other permits issued pursuant to SCC Title 15), dredging, drilling, dumping, filling, earth movement, clearing or removal of vegetation, Class IV general forest practices, Class III forest practices with Conversion Option Harvest Plans as defined in Chapter 222-16 WAC, or other site disturbance; but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations.

Review time period: the allowed time for review of a project permit application specified for each type of review in Table 14.06.150-1 and calculated by SCC 14.06.170.

SEPA: the Washington State Environmental Policy Act, implemented locally by SCC Chapter 16.12.

Shoreline permit: a shoreline substantial development, variance, conditional use permit, or revision authorized under the County's Shoreline Master Program, SCC Chapter 14.26, or RCW Chapter 90.58.

New section 14.04.030 Symbols

- (1) "Less than" is indicated by the < symbol.
- (2) "Less than or equal to" is indicated by the ≤ symbol.
- (3) "Greater than" is indicated by the > symbol.
- (4) "Greater than or equal to" is indicated by the ≥ symbol.

Chapter 14.06 Permit Procedures

Chapter 14.06 is repealed and replaced with the following:

Part I. General Provisions

14.06.110 Purpose

This Chapter establishes standard procedures for review of project permit applications and appeals. These procedures are intended to promote timely review and informed public participation, eliminate redundancy in the process, minimize delay and expense, and result in approvals that further the goals and policies of the Comprehensive Plan. These procedures are intended to be consistent with RCW Chapter 36.70B and integrate the land use permit process with the SEPA environmental review process.

14.06.120 Applicability

- (1) This Chapter applies to all project permits issued per SCC Titles 14 and 15, applications for such permits, and appeals of such applications and permits.
- (2) Shoreline permits and shoreline letters of exemption are processed pursuant to this chapter except where SCC Chapter 14.26, Shoreline Master Program, requires different procedures than those in this chapter, in which case the provisions of Chapter 14.26 must be followed.

14.06.130 Information and Interpretation

- (1) Counter Information. From time to time, Department staff may respond to inquiries regarding the applicability and interpretation of various code provisions prior to, or outside the context of a specific project permit or application. Unless a Director Interpretation is requested, these general counter requests for information are provided as a public convenience only, are not binding on the applicant or the Department, and are not subject to appeal.
- (2) Director Interpretation. A Director Interpretation follows the review process specified in SCC 14.06.150.
 - (a) Applicability.
 - (i) A Director Interpretation may be requested as to:
 - (A) the meaning, application, or intent of any of the provisions of SCC Title 14;
 - (B) a question regarding a map boundary;
 - (C) an alleged scrivener's mapping error that does not involve reconsideration or rebalancing of designation criteria.
 - (ii) Procedural provisions and statements of policy are not subject to Director Interpretation.
 - (iii) A Director Interpretation may also be issued on the Director's own initiative or if requested by the Board of County Commissioners.
 - (b) Application. An application for a Director Interpretation must:
 - (i) be in writing on forms provided by the Department;
 - (ii) concisely identify the issue and desired interpretation;
 - (iii) include any required fee.
 - (c) Decision Criteria. The Director must research the original intent of the language or provision and consider relevant provisions of the Comprehensive Plan or other applicable policy documents.

- (d) Decision.
 - (i) The Director must issue a written decision on the application.
 - (ii) The Director must maintain a public webpage with an archive of issued decisions.
 - (iii) If the issue concerns a material lack of clarity or inconsistency in SCC Title 14, the Director must propose amendment of the relevant code sections in the next annual amendment cycle pursuant to SCC Chapter 14.08.

14.06.140 Lot Certification

- (1) Purpose. Lot certification is intended to determine whether a lot is legally created and therefore eligible for conveyance and whether or not the lot is eligible for development.
- (2) Applicability.
 - (a) Lot certification is a required component of an application for:
 - (i) all types of land use permits including land divisions and boundary line adjustments;
 - (ii) building permits for new residential, commercial, industrial, or institutional structures or structures accessory thereto; and
 - (iii) new on-site sewage systems pursuant to SCC 12.05.090.
 - (b) Exception. An application identified in (a) may rely on an existing approved lot certification for a property with the same legal description.
 - (c) Lot certification is also required to determine whether a lot may be legally conveyed.
 - (d) Lot certification may be applied for independent of any other permit.
- (3) Application.
 - (a) An application for lot certification must include evidence that the lot in question meets the definition of a lot of record. A separate assessor's parcel number is by itself not sufficient evidence that the lot meets the definition of a lot of record.
 - (b) A lot owner may apply for lot certifications for a group of undeveloped lots contained within a land division approved on or after March 1, 1965, as a single lot certification application.
- (4) Review of Application. Upon receipt of a complete application for lot certification:
 - (a) Conveyance. The Director must determine whether the lot is eligible for conveyance, either because the lot meets the definition of "lot of record" in SCC 14.04.020, or because the lot is owned by an innocent purchaser who meets the requirements described in SCC 14.18.000(9) and RCW 58.17.210 for the specified lot.
 - (b) Development. The Director must determine whether the lot is eligible for development as follows:
 - (i) A lot that is restricted from development by prior County decision or action (e.g., plat notes, open space designation) is not eligible.
 - (ii) A lot that does not meet the definition of "lot of record" in SCC 14.04.020 is not eligible.
 - (iii) A lot of record that meets the minimum lot size requirements of its zone is eligible.
 - (iv) A lot of record that does not meet the minimum lot size requirements of its zone is a "substandard lot of record" and is only eligible if it qualifies for one or more exemptions identified in SCC 14.16.850(4)(c).
- (5) Approval.

- (a) If the Director approves a lot certification, either for conveyance or both conveyance and development, the Director must record the issued lot certification with the County Auditor with a statement of the eligibility and the basis for the determination.
- (b) An approved and recorded lot certification constitutes the Department's final determination regarding lot of record status for the specified legal description. A future application for property with the same legal description does not require a new lot certification.
- (6) Denial. If the Director denies a lot certification, the Director must record the determination that the lot does not meet the lot of record requirements with the County Auditor for the purpose of innocent purchaser notification described in SCC 14.18.000(9).
- (7) Lot Certifications Issued Under Old Code.
 - (a) A lot certification issued by the Department for a lot satisfying the provisions of former SCC 14.04.190(5) in effect at the time of certification is entitled to the same finality as a lot certification issued pursuant to this section, after recording by the owner.
 - (b) All other previously issued lot certifications are sufficient evidence for eligibility for conveyance but require further review to determine eligibility for development.

14.06.150 Types of Review

- (1) Decisions on applications are governed by several types of review processes, described and distinguished in this section. The types of review are generally organized in ascending order of significance, amount of public process, and level of discretion exercised by the decisionmaker.
- (2) Table 14.06.150-1 identifies the type of review applicable to each type of application or decision and describes the process for each type of review.
 - (a) The types of applications and decisions that are subject to each type of review are listed in the first row beneath the header for each type.
 - (b) The processes required for each type of review are further described by the remainder of the column beneath the heading for each type.
- (3) The Director must determine the proper review type for all applications consistent with Tables 14.06.150-1 and 14.06.150-2 and this subsection.
 - (a) Consistent with the integration of environmental review required by SCC 14.06.160, if a project that would otherwise be characterized as Type 1 requires SEPA review (is not SEPA-exempt), it must be processed as a Type 2 (or higher) review.
 - (b) See SCC 14.06.160 for the process for consolidation of multiple applications for a single project.
 - (c) If there is a question as to the appropriate type of process, the Director must resolve it in favor of the higher-numbered type.

Table 14.06.150-1 Types of Review

	Type 1 Director decision without notice	Type 2 Director decision with notice	Type 3 Hearing Examiner decision	Type 4 Board of County Commissioner decision
(1) Applications Subject to this Type of Review	• Accessory dwelling • Administrative decision • Administrative order issued per SCC Chapter 14.44 • Application expiration • Boundary line adjustment • Building permit (SCC 15.04) • Critical Areas Review (SCC 14.24) • Flood area development permit (SCC 14.34) • Hazard tree removal per SCC 14.24.130 • Land disturbance permit (SCC 14.22) • Lot certification • Minor revision to permit • Permit extension per SCC 14.06.510 • Stormwater adjustment per SCC 14.32.090(1) • Shoreline exemption	• Administrative Special Use Permit • Administrative variance (SCC 14.10) • Critical areas variance of > 25% and ≤ 50% of standard buffer width • Director interpretation (SCC 14.06.130) • Lot certification reasonable use exception per SCC 14.16.850(4)(f) • SEPA threshold determination • Stormwater exception per SCC 14.32.090(2) • URDP "1-acre plat" (SCC 14.16.910(3)) • Waiver of 6-year forest practices moratorium (SCC 14.24.110)	• Critical areas variance of > 50% of standard buffer width • Local essential public facility (SCC 14.16.600) • Hearing Examiner Special Use Permit • Hearing Examiner URDP (SCC 14.16.910(2)) • Hearing Examiner variance (SCC 14.10) • Request for Hearing Examiner review of an SUP per SCC 14.16.900(1)(b)(iii) • Shoreline permit per SCC Chapter 14.26	• BOCC variance (SCC 14.10) • Development agreement (SCC 14.14) • Regional essential public facility (SCC 14.16.600) • Site-specific rezone authorized by the comprehensive plan
(2) Pre-Application Conference	No	Yes, but can be waived	Yes, but can be waived	Yes, but can be waived
(3) Notice of Application	No	Yes	Yes	Yes
(4) Comment Period¹	None	15 days	15 days	15 days
(5) Recommendation By	None	None	Director	Hearing Examiner
(6) Pre-Decision Open-Record Public Hearing	No	No	Yes, held by Hearing Examiner	Yes, held by Hearing Examiner
(7) Decisionmaker	Director	Director	Hearing Examiner	Board of County Commissioners
(8) Notice of Decision	No	Yes	Yes	Yes
(9) Review Time Period²	65 days	100 days	170 days	170 days
(10) Local Appeal Available To	Hearing Examiner	Hearing Examiner, then BOCC	Board of County Commissioners	None
(11) Appeal Hearing	Open-record	Open-record before Hearing Examiner; closed-record before BOCC	Closed-record	None

Footnotes:

1. Default comment periods are shown in the table, with the following exceptions: shoreline permits have a 30-day comment period per RCW 90.58.140(4); for land divisions, see subsection (4) below.
2. Review time periods are measured from the date of the Department's determination the application is complete; see SCC 14.06.170. Default review time periods are shown in the table, with the following exceptions: long subdivisions are governed by RCW 58.17.140; SEPA threshold determinations is governed by WAC 197-11-310 and SCC Chapter 16.12; eligible collocation and modification requests for wireless facility services is governed by SCC 14.16.720(21).
- (4) Table 14.06.150-2 identifies the types of review for a land division based on the proposed number of lots, tracts, or parcels.

Table 14.06.150-2 Types of Review for Land Divisions

Type	Number of lots/tracts/parcels	Type of Review			
		Preliminary	Final	Alteration	Vacation
Short subdivision	1-4	1	1	2	2
Long subdivision	5 or more	3	1	2	2
Binding site plan	1-8 (or in an existing development)	2	1	2	2
Binding site plan	9 or more	3	1	2 (minor)	2

14.06.160 Consolidation of Review

- (1) Purpose. The purpose of this section is to:
 - (a) Avoid duplication of review processes;
 - (b) Integrate the project permit and SEPA environmental review processes;
 - (c) Facilitate public comment on a project, where public comment is appropriate; and
 - (d) Comply with RCW 36.70B.060 and 120.
- (2) Optional consolidation. Applications for a project that requires two or more related project permits must be reviewed in a single consolidated process if the applicant elects for consolidated review in writing at the time of application, subject to the following:
 - (a) A variance associated with a preliminary land division must be processed in a consolidated review with the proposed land division.
 - (b) In a consolidated review, the applications must be processed under the highest-numbered type of review represented among the consolidated permits.
 - (c) If the applicant opts for individual processing, review of a project permit that depends on another project permit with a higher-numbered review type may be suspended until review of the latter permit is complete.
- (3) Integration of State Environmental Policy Act ("SEPA") review.
 - (a) SEPA review of a project permit application must be combined with review of the underlying application unless the project is categorically exempt from SEPA. If studies that adequately analyzed a project's specific probable adverse impacts have already been performed under another SEPA review process, then additional or redundant studies may not be required under SEPA.

- (b) A project permit application subject to review under SEPA must be reviewed in accordance with the policies and procedures contained in SCC Chapter 16.12, State Environmental Policy Act, and WAC Chapter 197-11.
- (c) Per WAC 197-11-055(4), SEPA review may be performed on a project prior to submittal of a project permit application, but may need to be performed again as part of review of the project permit application dependent on the level of detail evaluated in the initial review.
- (d) A SEPA threshold determination or a scoping notice may be issued with a Notice of Development Application. A final threshold determination of nonsignificance may not be issued until after the expiration of the public comment period on the notice of application unless the requirements of the optional DNS process (WAC 197-11-355 and SCC 16.12.070) are followed. A final determination of significance and a SEPA scoping notice may be issued with the Notice of Development Application and prior to the expiration of the public comment period on the Notice of Development Application. Per RCW 36.70B.110(6)(b), for Type 3 and 4 reviews, the threshold determination must be issued at least 15 days prior to the open-record pre-decision hearing.
- (e) Any appeal of a determination of significance as described in SCC 16.12.210 may proceed in advance of any hearings or appeals of the underlying project permit. Any appeals of a determination of nonsignificance must be combined with and processed at the same time as the hearings or appeals of the underlying project permit.

14.06.170 Timing of Review

- (1) The Review Time Periods in SCC 14.06.150 apply to the types of review identified in Table 14.06.150-1. The Department must complete review of an application within the corresponding Review Time Period.
- (2) Review Time Periods are measured from the date the Department determines an application is complete per SCC 14.06.310 to the date a final decision is issued on the project permit application.
- (3) The Review Time Period is measured by counting every calendar day and excluding the following:
 - (a) Any period between the day that the Department has notified the applicant, in writing, that additional information is required to further process the application and the day when responsive information is resubmitted by the applicant;
 - (b) Any period after an applicant informs the Department in writing that they would like to temporarily suspend review of the project permit application until the time that the applicant notifies the Department in writing that they would like to resume the application, up to 12 months;
 - (c) Any period after an administrative appeal is filed until the administrative appeal is resolved and any additional time period provided by the administrative appeal has expired;
 - (d) Any period that review of the application is suspended by the Department pursuant to authorization elsewhere in this chapter.
- (4) The Review Time Period starts over if an applicant proposes a change in use that adds or removes commercial or residential elements from the original application that would make the application fail to meet the determination of procedural completeness under SCC 14.06.310 for the new use.
- (5) The Review Time Period is extended by 30 days any time that an applicant informs the Department in writing that the applicant would like to temporarily suspend the review of the project for more than 60 days; or if an applicant is not responsive for more than 60 consecutive days after the Department has notified the applicant in writing that additional information is required to further process the application.
 - (a) Any written notice from the Department to the applicant that additional information is required to further process the application must include a notice that non-responsiveness for 60 consecutive days may result in 30 days being added to the Review Time Period.

- (b) For the purposes of this subsection, “non-responsiveness” means that an applicant is not making demonstrable progress on providing additional requested information to the local government, or that there is no ongoing communication from the applicant to the local government on the applicant's ability or willingness to provide the additional information.

14.06.180 Site Plan Review

(1) Purpose. The purpose of site plan review is to:

- (a) provide a comprehensive assessment of how a subject parcel may be developed consistent with the desire of the property owner or applicant and the requirements of Skagit County Code;
- (b) provide limited assurance that a subsequent application will not need to be reviewed again for the same criteria, therefore saving future application review time.

(2) Applicability.

- (a) Except as provided in paragraph (b) below, a project permit application must receive site plan review as an integral component of the Department’s review process. Site plan review is a process step, not a permit.

- (b) Interior Alterations Excluded.

- (i) Per RCW 36.70B.140(3), a project permit application solely for interior alterations does not require any of the reviews identified above if the interior alterations do not result in the following:

- (A) additional sleeping quarters or bedrooms;

- (B) nonconformity with Federal Emergency Management Agency substantial improvement thresholds;

- (C) increase the total square footage or valuation of the structure to thereby require upgraded fire access or fire suppression systems.

- (ii) For purposes of this section, "interior alterations" include construction activities that do not modify the existing site layout or its current use and involve no exterior work adding to the building footprint.

- (c) An applicant for a project permit may submit an application for site plan review for:

- (i) the specific project described in the project permit application; or

- (ii) for that project and additional future projects; or

- (iii) for future projects, independent of any current project permit application.

(3) Application.

- (a) An application for site plan review must identify the proposed projects with sufficient specificity for those projects to be reviewed for consistency with the development regulations.

- (b) An application for site plan review must include:

- (i) the parcel number(s) or a legal description of the subject property;

- (ii) detailed identification of the proposed use(s) on the property;

- (iii) a simplified map of the property, to scale, including identification of the general location of those proposed uses, and any existing uses;

- (iv) a completed Critical Areas Ordinance checklist;

- (v) a conceptual stormwater site plan or a stormwater site plan per SCC Chapter 14.32 if a complete application for a project permit has been submitted;
 - (vi) any other required application materials, if submitted as part of another application.
- (4) Review. During site plan review, the Department will review the proposed project(s) for consistency with:
- (a) Lot certification (SCC 14.06.140);
 - (b) Zoning (SCC Chapter 14.16);
 - (c) Setbacks applicable to the zone (SCC Chapter 14.16);
 - (d) Airport Environs Overlay (SCC 14.16.210);
 - (e) Ag-NRL siting criteria (SCC 14.16.400(6));
 - (f) Title notice requirements found throughout SCC Title 14;
 - (g) Critical areas and shoreline boundaries and dimensional limits (SCC Chapter 14.24 and 14.26);
 - (h) Access, pursuant to the County road standards, fire access standards, and SCC Chapter 11.16;
 - (i) Wildland-Urban Interface (SCC 15.04.020);
 - (j) Floodplain development (SCC Chapter 14.34);
 - (k) Septic drain fields or other sewer connection (SCC Chapter 12.05);
 - (l) Well setbacks and protection zones, rainwater catchment area;
 - (m) Pipeline hazards (SCC 14.16.835);
 - (n) Conceptual stormwater management planning, or complete stormwater review per SCC Chapter 14.32 if a complete application for a project permit has been submitted;
- (5) Decision on site plan review. After review of the submittal against the criteria in subsection (4), the Department must issue an approved site plan, including the identified proposed uses and such boundaries, notes, and conditions that are necessary to avoid or minimize the need for re-review for future project permit applications.
- (6) Review of future applications. Following site plan review, the Department must review a future application for a subsequent project permit on the same property against the site plan review that was earlier performed, and may not require additional review for the criteria identified in (4) unless:
- (a) The project(s) proposed in the permit application are materially inconsistent with earlier site plan review;
 - (b) Relevant provision(s) of Skagit County Code have changed in a material way since the earlier site plan review;
 - (c) Other conditions of the property, adjacent property, or zoning have changed in a material way since the site plan review;
 - (d) The site plan review is 5 or more years old.
- (7) Nothing in this section prevents the decisionmaker from imposing necessary conditions on a permit that conflict with conditions identified in a previous site plan review.

14.06.190 Vesting

- (1) Applicability. This section applies to a complete application for:
- (a) a building permit, pursuant to RCW 19.27.095;

- (b) a land division, pursuant to RCW 58.17.033.
- (2) An application identified in subsection (1) vests and must be reviewed against the substantive regulations in this Title in effect at the time the application is deemed complete.
- (3) Exception. A complete application does not vest to:
 - (a) matters concerning public health, safety, and welfare;
 - (b) the procedural provisions of this Title;
 - (c) application or permit fees not already assessed;
 - (d) impact fees or other fees;
 - (e) land use controls or other regulations that are mandated by state or federal law.
- (4) Supplemental information required after an application is determined complete does not affect the validity of the vesting of such application.

Part II. Applications

14.06.210 Pre-application Requirements

- (1) Pre-application requirements. The following are required prior to application for a project permit:
 - (a) Pre-Application Conference, if required by SCC 14.06.150.
- (2) Except as provided in this section, no additional steps or submittals are required prior to application.
- (3) Application for site plan review per SCC 14.06.180 at the earliest possible opportunity, prior to application for a project permit, is encouraged but not required.

14.06.220 Pre-application Conference

- (1) Purpose. The pre-application conference is intended to:
 - (a) provide the County and other agency staff with information about the proposed project;
 - (b) enable staff to inform the applicant of applicable approvals and requirements;
 - (c) acquaint the applicant with the applicable requirements of the SCC and other laws; and
 - (d) identify issues and concerns in advance of a formal application.
- (2) When required.
 - (a) Generally. A pre-application conference is required when shown in Table 14.06.150-1.
 - (b) Exception. The Director may waive the pre-application conference if the proposal has few development-related issues, involves subsequent phases of an approved development, or is substantially similar to a prior proposal affecting substantially the same property.
- (3) Conference.
 - (a) To schedule a pre-application conference, the applicant must submit a request on forms provided by the Department and pay any applicable fees.
 - (b) The Department may invite all affected jurisdictions, agencies, and special purpose districts to the preapplication conference.

- (c) If a project is proposed to be located within a municipal urban growth area, the Department must send notice of the preapplication conference to the relevant municipality to request comments, or participation at the meeting, or both.
- (d) The Department must provide the applicant with a single consolidated letter describing the Department's comments within 10 days of the conference.
- (e) The information the Department provides at the pre-application conference is not binding upon the Department and does not prevent the Department from enforcing all applicable regulations.

14.06.230 Application Contents

- (1) Applicability. This section applies to any application submitted for review under this Chapter.
- (2) Contents.
 - (a) The applicant must apply for all permits and approvals required by Skagit County Code. An application for a project permit must be declared complete when the County has received all of the following:
 - (i) a fully completed and signed application form for the permit;
 - (ii) all applicable review fees for each permit or approval required;
 - (iii) an application for, or evidence of, lot certification if required per SCC 14.06.140;
 - (iv) the date of the pre-application conference for the application, if required;
 - (v) certification that all of the property that is the subject of the application is either in the exclusive ownership of the applicant, or authorization from the owners of the property for the applicant to submit the application as their agent;
 - (vi) a completed and signed environmental checklist for projects subject to review under SEPA;
 - (vii) a concurrency letter pursuant to Chapter 14.28 SCC;
 - (viii) a completed site plan review application per SCC 14.06.180, or identification of an earlier completed site plan review that is consistent with the proposed uses in the application;
 - (ix) the information specified in other code sections for the required project permits and approvals;
 - (x) all associated applications that are required for the proposed project;
 - (xi) any additional materials required by the Director based on project-specific and site-specific issues, as identified in writing as part of the pre-application process.
 - (b) The Director may waive any application requirement in paragraph (a) or other code section where the requirement is not relevant to the proposed project, is irrelevant based on site conditions, or is met by existing submitted or adopted documents.

14.06.240 Application Revision

- (1) Applicability.
 - (a) This section applies to applications that have been submitted for review but not for issued permits.
 - (b) For rules regarding revisions of issued permits, see SCC 14.06.520.
 - (c) For rules regarding alterations of subdivisions, see SCC Chapter 14.18.
 - (d) Any response to a request for information from the Department is considered a revision to the initial application.
- (2) Minor revisions authorized.

- (a) An applicant may make minor revisions to the application after the determination of completeness. A “minor revision” to an application includes changes to:
 - (i) floor plans that do not substantially alter the site plan;
 - (ii) exterior building configurations that do not create a substantially greater bulk or scale;
 - (iii) building placement that do not change the general location and layout of the site;
 - (iv) grading alterations that do not change the basic concept, significantly increase slopes, or building elevations, or change course of drainage which could adversely affect adjacent or surrounding properties.
- (b) A minor revision does not include:
 - (i) change in the type of construction (e.g., site-built to manufactured home, wood-frame to steel);
 - (ii) change in occupancy that requires substantial change to the structure (e.g., garage to ADU).
- (3) Any revision other than a minor revision requires a new application, which restarts the applicable Review Time Period. The Director may authorize fees paid for the existing application be transferred to the new application if the Department has not expended significant resources processing the application.

14.06.250 Application Withdrawal

- (1) Applicability. This section applies to any application submitted for review under this Chapter.
- (2) An applicant may withdraw an application at any time via notice in writing to the Department. Withdrawal of an application stops all review. Review of a withdrawn application may not be restarted.
- (3) Application fees may be refunded only as allowed by the fee schedule for the Department adopted by the Board of County Commissioners or by BOCC resolution.

14.06.260 Application Expiration

- (1) Applicability. This section applies to any application submitted for review under this Chapter.
- (2) Application expiration.
 - (a) Unless review is suspended under SCC 14.06.170(5), if the Department requests more information from the applicant about the application, the applicant has 120 days to respond with the requested information.
 - (b) If the applicant does not respond within the required period, the Director may expire the application for failure to timely submit requested information by providing the applicant with written notice of expiration.
 - (c) If the Director expires an application, the applicant must submit a new application, including any applicable fees, to restart the review process.
 - (d) The Director may grant one or more 3-month extensions (not to exceed three extensions) if:
 - (i) a written request for extension is submitted prior to expiration of the application;
 - (ii) based on information in the request, the Director concludes that the applicant is making reasonable progress toward submitting the required information.

Part III. Review Process

14.06.300 Foundation of Review

- (1) Consistent with RCW 36.70B.030, the foundation of application review is the set of fundamental land use planning choices made in the adopted Comprehensive Plan and the development regulations in SCC Title 14.
- (2) Applications must be reviewed for consistency, conformity, and compliance with applicable development regulations. During review, the County may not reevaluate the choices made in the development regulations, except as a matter of plan or code interpretation.
- (3) If deficiencies are identified in the development regulations or Comprehensive Plan during review of an application, those deficiencies should be considered for docketing per SCC Chapter 14.08.

14.06.310 Review for Completeness

- (1) Applicability. This section applies to all applications for any project permit.
- (2) Criteria. An application is complete for purposes of this Section when it:
 - (a) fully complies with SCC 14.06.230 regarding required contents of applications, including payment of fees;
 - (b) is sufficient for continued processing even though additional information may be required, or project modifications may be undertaken subsequently.
- (3) Determination of completeness.
 - (a) Within 28 days after receiving an application, the Department must provide a written determination to the applicant, stating either:
 - (i) That the application is complete; or
 - (ii) That the application is incomplete. The determination that the application is incomplete must include a description of what is necessary to make the application complete and a statement that the information must be submitted within 90 days to avoid expiration under SCC 14.06.310(5).
 - (b) To the extent known by the Department, the Department must identify other agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application.
 - (c) After receiving information in response to a determination that the application is not complete, the Department must re-evaluate the application for completeness and notify the applicant of its determination as to whether the application is now complete within:
 - (i) 10 days for eligible collocation and modification requests for wireless facility services; or
 - (ii) 14 days for all other applications.
 - (d) If the Department does not provide a determination before the deadlines identified above, the application is deemed complete.
 - (e) The determination of completeness does not preclude the Department from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.
 - (f) A determination of completeness is not required if the Director issues the permit prior to the deadline identified above.

- (4) Requests for additional information or corrections.
 - (a) If the Department twice requests additional information or corrections during application review, the Department must offer the applicant a meeting with Department staff to resolve outstanding issues. The meeting must be scheduled within 14 days of the second request for corrections.
 - (b) If the meeting cannot resolve the issues and the Department requests additional information or corrections a third time, upon receiving the additional information or corrections the Department may not further request additional information and must forward the application, along with its recommendation, to the decisionmaker for decision on the application.
 - (c) Nothing in this section affects the timelines for application expiration in 14.06.250.

14.06.320 Public Notices

- (1) Applicability. This section applies to any public notice required by SCC 14.06.150, including:
 - (a) Notice of Application;
 - (b) Notice of Public Hearing;
 - (c) Notice of Decision;
 - (d) any revisions to or reissuances of any of these notices.
- (2) Distribution. The Department must distribute the notice by:
 - (a) Publication on the Department's website;
 - (b) Publication in the County's official newspaper;
 - (c) Electronic mail or first-class mail to:
 - (i) The applicant;
 - (ii) Any appellant;
 - (iii) Any party of record;
 - (iv) Any person who, prior to rendering the decision, has requested a copy of the Notice of Decision;
 - (v) Any agencies with jurisdiction over the application or any agencies or tribes that commented on the application;
 - (vi) Washington State Department of Transportation, if the project is located adjacent to the right-of-way of a state highway;
 - (vii) The adjacent city, if the project is located adjacent to a city boundary or within a municipal UGA;
 - (d) For a Notice of Decision, to the county assessor.
 - (e) For a Notice of Application or a Notice of Public Hearing, via first-class mail in full or as a postcard summary with a weblink to the full notice, to owners of property and residents of parcels within the following distances from the exterior boundaries of the subject property and other adjoining property under substantially similar ownership:
 - (i) for marijuana facilities, within 1,000 feet;
 - (ii) for mineral extraction activities, within 1,320 feet;
 - (iii) for all other uses, within 300 feet.
- (3) Notice Boards. The Department must also ensure that public notices required by SCC 14.06.150 are displayed on notice boards consistent with this subsection.

- (a) Timing. Within 28 days of initial application, the applicant is responsible for posting notice boards on the subject property. Unless posted by the Department, the applicant must submit a signed affidavit that states the date of installation and location of the notice board, and includes a photograph of the notice board that provides context of its location.
 - (b) Design. The notice board must be at least 18x24 inches in size and must be designed, constructed, and installed in accordance with specifications established by the Director.
 - (c) Content. The notice board must include:
 - (i) the application number(s);
 - (ii) a phone number and website address where more information can be obtained;
 - (iii) each of the public notices identified in subsection (1), which must be timely posted to the board.
 - (d) Location.
 - (i) One notice board must be erected on or near the subject property on each public or private road that abuts the property, or as otherwise directed by the Department for maximum visibility.
 - (ii) Notice boards may not be placed on utility poles or traffic signposts.
 - (iii) View of the notice board(s) must not be obstructed from the perspective of the abutting public right-of-way.
 - (e) Removal. The notice board(s) may not be removed until the appeal periods for the project permits have ended, and must be removed within two weeks following the end of any appeals.
 - (f) Violations. Removal of the notice board(s) or the public notices prior to the prescribed time frames may be cause for additional notice or an extended appeal period at the discretion of the Director.
- (4) Errors. Inadvertent errors in compliance with the public notice rules contained in this Part do not invalidate the process if the notice was reasonably adequate.

14.06.330 Notice of Application

- (1) Applicability. This section applies when a Notice of Application is required by SCC 14.06.150.
- (2) Contents. The Notice of Application must include all of the following:
 - (a) The application number;
 - (b) The name of the applicant;
 - (c) The date of application, the date of the notice of completion for the application, and the date of the notice of application;
 - (d) Identification of the location of the project, by address if available;
 - (e) An objective description of the proposed project action, a list of the project permits included in the application and, if applicable, a list of any additional studies requested of the applicant by the Department;
 - (f) Identification of other permits not included in the application, to the extent known by the County;
 - (g) Identification of existing environmental documents that evaluate the proposed project and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;
 - (h) Identification and description of the type of review for the application;

- (i) A description of the public comment period and a statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;
 - (j) The date, time, place, and type of public hearing, if applicable and scheduled at the time of notice of application;
 - (k) A statement of the preliminary determination, if one has been made at the time of notice, of the development regulations that will be used for project mitigation and consistency;
 - (l) If the County is using the optional DNS process (WAC 197-11-355), additional information as required by WAC 197-11-355(2);
 - (m) Any other information determined necessary by the Department, such as the County's likely threshold determination, if known at the time of issuance of the notice of application.
- (3) Timing. The Department must issue the Notice of Application:
- (a) Within 14 days of determination that the application is complete; and
 - (b) At least 15 days prior to any open record hearing.

14.06.340 Public Comment

- (1) Applicability. This section applies when a comment period is required by SCC 14.06.150.
- (2) The Department must advertise and allow the submission of public comments for the comment period required by SCC 14.06.150 for the type of review. Where the comment period in SCC 14.06.150 conflicts with other code sections or statutes, the more specific provision applies.
- (3) A comment period may not begin until a notice advertising the comment period is issued.
- (4) The Department must accept comments both electronically (in a manner prescribed by the Department) and on paper.
 - (a) All comments must reference the application number.
 - (b) Paper comments must be submitted on standard letter-sized paper in black and white and must be received by the deadline.
 - (c) The Department may decline to consider comments that do not comply with these standards.
- (5) Within 7 days after the end of the public comment period, the Department must transmit to the applicant a copy of public comments timely received in response to the notice of application, together with a statement that the applicant may submit a written response to the comments and has the option to suspend review of the application while the applicant formulates that response.
- (6) The decisionmaker on a permit application must read and consider relevant public comments that comply with this section.

14.06.350 Staff Report

- (1) Purpose. The purpose of preparing a staff report and making recommendations to the decisionmaker is to facilitate the review and decision-making process by providing analysis, in a concise and clear format, of the application's consistency with the code.
- (2) Contents.
 - (a) The staff report should provide the facts and reasoning that are the basis for the Department's recommendation.
 - (b) The staff report should address all technical and design issues of the project.

- (c) The staff report must include the comments and recommendations of County departments and other relevant government agencies, and public comments.
 - (d) The staff report must also state all the decisions or recommendations made as of the date of the report on all project permits included in the consolidated review process.
 - (e) The staff report must state any mitigation required or proposed under provisions of Skagit County Code or SEPA authority under RCW 43.21C.060. If a SEPA threshold determination, other than a determination of significance, has not been issued previously for the project, the report must include or append this determination.
 - (f) The staff report must include a recommendation (or a decision if the Department is the decisionmaker) based on the information provided by the applicant and the technical analysis provided by relevant County departments and state and federal agencies, where applicable.
- (3) Timing.
- (a) The Department must file its recommendation with the Hearing Examiner at least seven days prior to the scheduled hearing.
 - (b) Except for a SEPA threshold determination, the Department may not issue its recommendation or decision on a project permit application until the expiration of the public comment period on the notice of application.

14.06.360 Notice of Public Hearing

- (1) Applicability. This section applies when a pre-decision open-record public hearing is required by SCC 14.06.150.
- (2) Contents. The Notice of Public Hearing must include all of the following:
 - (a) The application number;
 - (b) The name of the applicant;
 - (c) Identification of the location of the project, by address if available;
 - (d) An objective description of the proposed project action;
 - (e) Identification and description of the type of review for the application;
 - (f) The date, time, place, and type of hearing; and
 - (g) the place where further information may be obtained.
- (3) Consolidation. The Notice of Public Hearing may be combined into the Notice of Application. If notice of a public hearing was not provided in the Notice of Application for a project permit application, the notice of public hearing must be provided separately.
- (4) Timing. The Department must distribute the Notice of Public Hearing, and any SEPA threshold determination, at least 15 days prior to the pre-decision open-record public hearing.

14.06.370 Pre-Decision Open-Record Public Hearing

- (1) Purpose. The purpose of a pre-decision open-record public hearing is to facilitate the public review and discussion of the project permit application by the staff, Hearing Examiner, or BOCC, and solicit public comment relevant to the application.
- (2) Applicability. A pre-decision open-record public hearing is required when shown in SCC 14.06.050 Types of Review.

- (3) Burden of proof. The permit applicant bears the burden of demonstrating the application complies with the applicable requirements of this code and other applicable law.
- (4) Joint hearings. At the request of the applicant, the pre-decision open-record public hearing may be combined with any hearing required by another local, state, regional, federal, or other agency, consistent with RCW 36.70B.110(7).
- (5) Hearing.
 - (a) The hearing body must conduct the public hearing to include the following:
 - (i) Staff presentation, including submittal of any administrative staff reports. Members of the hearing body may ask questions of the staff.
 - (ii) Applicant presentation, including submittal of any materials. Members of the hearing body may ask questions of the applicant.
 - (iii) Testimony or comments by the public relevant to the matter. Before testifying, any witness, including county staff, must be required to declare that he or she will testify truthfully, by oath or affirmation. Questions directed to staff or the applicant must be posed by the chair or Hearing Examiner.
 - (iv) An opportunity for parties to cross-examine County staff and expert witnesses, if any.
 - (v) Rebuttal, response, or clarifying statements by the staff and the applicant.
 - (vi) Closing of the public hearing. The hearing body may continue the written comment period to a specified date after the close of the public hearing.
 - (vii) The hearing body must deliberate on the matter before it and make its decision.
 - (b) The BOCC, or the Hearing Examiner as described in SCC 14.02.070, may adopt other rules of procedure not inconsistent with these procedures, and if appropriate to facilitate review of a particular application, may adopt procedures specific to that application.
- (6) Continuances. If for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a specified date and no further notice under this Section is required.

14.06.375 Closed-Record Review of Recommendation

- (1) For a Type 4 review, the Board of County Commissioners serves as decisionmaker after receipt of a recommendation from the Hearing Examiner pursuant to SCC 14.06.150.
- (2) The Board of County Commissioners must meet in a public meeting to review the recommendation of the Hearing Examiner. Pursuant to their procedures, the Board may choose to hear or receive additional arguments from the parties of record, but consistent with RCW 36.70B.050(2), may not hear or consider additional evidence outside of the record established before the Hearing Examiner.

14.06.380 Decision

- (1) The decisionmaker for the review type identified in SCC 14.06.150 must issue a decision on the permit application using applicable approval criteria.
- (2) The decisionmaker must:
 - (a) Consider the public comments and comments from other agencies on the application;

- (b) Give substantial weight to the technical reviews performed by the County's technical staff and the County's third-party reviewers on technical matters including but not limited to traffic studies, parking studies and determinations, stormwater, and critical area analyses; or
 - (c) If portions of the application have been subject to administrative decisions as part of the review, the decisionmaker must consider the administrative decisions final unless the proposal or conditions have substantially changed since the administrative decisions.
- (3) The decision on the application must be one of the following:
- (a) **Approval.** A decision of approval may be granted only if the application is consistent with all applicable development regulations.
 - (b) **Approval with conditions.** A decision of approval with conditions may be granted only if the application can be made consistent with all applicable development regulations through the imposition of specific conditions.
 - (c) **Denial.** A decision to deny the application must be issued if the development proposal does not comply with all applicable development regulations and the imposition of reasonable conditions cannot make the project comply with those regulations.
- (4) Content of decision.
- (a) When a Notice of Decision is not required per SCC 14.06.150, the decision may be represented by stamped approval of the requested permit, certificate, or other document.
 - (b) When a Notice of Decision is required per SCC 14.06.150, the decision must be in writing and include:
 - (i) a statement of the applicable criteria and standards from the Skagit County Code and other applicable law;
 - (ii) a statement of the facts showing the application does or does not comply with each applicable approval criterion and the assurance of compliance with applicable standards;
 - (iii) the reasons for the decision or the recommendation to approve or deny the project permit or appeal;
 - (iv) the SEPA threshold determination, if applicable; and
 - (v) any conditions or modifications deemed necessary.
 - (c) Decision on a Type 4 review must be by resolution or ordinance.
- (5) Timing. The decisionmaker must issue a decision on the application within:
- (a) For a Type 3 review, within 30 days following the public hearing, or the public comment deadline, whichever is later. If the decisionmaker does not issue the decision within the allotted time, the Board of County Commissioners may reassign the matter to another decisionmaker to make a decision on the record as prepared.
 - (b) For a Type 4 review, within 60 days after receipt of the Hearing Examiner's recommendation.

14.06.390 Notice of Decision

- (1) Applicability. This section applies when a Notice of Decision is required by SCC 14.06.150.
- (2) Contents. The Notice of Decision must include all of the following:
 - (a) The application number;
 - (b) The name of the applicant;
 - (c) The name of the project;

- (d) The street address or parcel number of the project site;
 - (e) A description of the application;
 - (f) The date of decision on the application;
 - (g) The date the notice of decision was issued;
 - (h) A summary of the decision on the application;
 - (i) The SEPA threshold determination made pursuant to Chapter 43.21C RCW, if the decision is also a final threshold determination;
 - (j) A notice that affected property owners may request a change in valuation from the county assessor for property tax purposes notwithstanding any program of revaluation;
 - (k) The procedure for appeal and the deadline for filing an appeal.
- (3) Timing. The Department must issue a Notice of Decision within 7 days of the date of decision.

Part IV. Appeals and Reconsideration

14.06.410 Local Appeal

- (1) Applicability. This section applies to local appeals of decisions on project permit applications when allowed by SCC 14.06.150.
- (2) Standing. Only the following parties have standing to file an appeal:
 - (a) the County;
 - (b) the applicant; and
 - (c) a party of record.
- (3) Time to file. An appeal is timely only if it is:
 - (a) Filed with the Department within 14 days (5 working days for shoreline permits) after the written notice of decision is mailed or the building permit is issued; and
 - (b) Accompanied by the required appeal fee.
- (4) Method of service. An appeal must be delivered to the Department before 4:30 p.m. on the last business day of the time to file by mail, personal delivery, or in an electronic method prescribed by the Department. An appeal received by mail after that deadline will not be accepted, regardless of when the appeal was mailed or postmarked.
- (5) Contents. An appeal must be submitted on forms provided by the Department and contain the following:
 - (a) Appellant's name, address, phone number, and email address;
 - (b) A description of the appellant's standing to appeal;
 - (c) Identification of the application or decision that is the subject of the appeal;
 - (d) Appellant's statement of grounds for appeal and the facts upon which the appeal is based, with specific references to the facts in the record;
 - (e) The specific relief sought;
 - (f) A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature or the signature of the appellant's agent, provided such agent's authorization is in writing and accompanies the appeal.

- (6) Burden of proof and standard of review. The appellant bears the burden of demonstrating that the decision on the application was clearly erroneous.
- (7) Procedures. The appellate body may adopt procedures for conduct of appeals, and if appropriate to facilitate review of a particular application, may adopt procedures specific to that application.
 - (a) The appeal procedures may provide for a decision on the appeal after a hearing where the parties present oral argument or after the parties submit arguments only in writing.
 - (b) The decision by the County's SEPA Responsible Official must be given substantial weight in any SEPA appeal proceeding.
- (8) Automatic stay. Except for administrative appeals of SEPA threshold determinations, the timely filing of an appeal will stay the decision until such time as the appeal is concluded or withdrawn.
- (9) Decision on Appeal.
 - (a) The appellate body must issue a written decision on the appeal supported by written findings and conclusions.
 - (b) The appeal record must include the written decision; an audio, video, or written transcript of the appeal hearing; and all exhibits entered into the record.
 - (c) The Department must prepare and distribute a notice of decision describing the decision on the appeal.
- (10) Timing.
 - (a) The appellate body should:
 - (i) conduct its hearing within 90 days of receipt of the appeal; and
 - (ii) issue its decision within 30 days of the date of the close of the appeal hearing. For an appeal of a Type 1 or Type 2 review, if the appellate body does not issue the decision within the allotted time, the Board of County Commissioners may reassign the matter to another appellate body to make a decision on the record as prepared.
 - (b) The parties to an appeal may agree to extend the time periods in this section, or the appellate body may extend the time periods in this section based upon a finding of extraordinary complexity or other circumstances.

14.06.420 Appeal Hearing

- (1) Applicability. This section applies to appeal hearings allowed by SCC 14.06.150.
- (2) Type. An appeal hearing is either an (a) open-record appeal hearing or (b) closed-record appeal hearing, heard by the appellate body as identified by Table 14.06.150-1.
- (3) Purpose.
 - (a) The purpose of an open-record appeal hearing is to facilitate the review and discussion of the project permit application by the appellate body, Department, applicant, and public and solicit public comment relevant to the application.
 - (b) The purpose of a closed-record appeal hearing is to facilitate the discussion of the project permit application by the appellate body, Department, and parties of record without consideration of additional facts outside the record for the application.
- (4) Hearing. The appellate body must conduct the hearing to include the following:
 - (a) Staff presentation;
 - (b) Appellant presentation;

- (c) Presentation by any other parties of record;
 - (d) Rebuttal or clarifying statements by staff and the appellant.
 - (e) Deliberations by the hearing body.
- (5) Continuances. If for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a specified date and no further notice under this chapter is required.

14.06.430 Remand

- (1) If the appellate body determines that the application record is insufficient or otherwise flawed, the appellate body may remand the matter back to the original decisionmaker to correct the deficiencies.
- (2) If the appellate body remands the matter:
 - (a) The appellate body must specify the items or issues to be considered and the time period for the additional work.
 - (b) The original public hearing may be re-opened if necessary for the limited purpose of addressing specific questions articulated by the appellate body.
 - (c) Only the parties of record to the open-record hearing, or in the case of an appeal, the parties to the appeal, may participate in the remand.
 - (d) The original decisionmaker must affirm, modify, or reverse its original action based on the revised public record.

14.06.440 Reconsideration

- (1) A party of record for a decision or appeal may seek reconsideration of the decision or the appeal by filing a written request with the Department, alleging specific errors, on forms provided by the Department within 10 days of the date of decision.
- (2) The decisionmaker or appellate body may request the nonmoving party file a response to the request for reconsideration and specify the deadline for such response.
- (3) The decisionmaker or appellate body may consider the request without oral argument, or may call for argument in accordance with the procedures for closed-record appeals.
- (4) The decisionmaker or appellate body may grant reconsideration only when a material legal error has occurred or a material factual issue has been overlooked that would change the previous decision.
 - (a) If the request is denied, the previous action will remain final.
 - (b) If the request is granted, the decisionmaker or appellate body may revise and reissue its decision. If the decision is revised and the decision requires a notice of decision, the Department must prepare and distribute a notice of decision.
- (5) The decisionmaker or appellate body is deemed to have denied the request if, within 20 days from the date the request is filed, the decisionmaker or appellate body does not either:
 - (a) issue a decision on the request; or
 - (b) serve the parties with a written notice specifying the date by which it will act on the petition.

14.06.450 Exhaustion of Administrative Remedies

- (1) To exhaust administrative remedies, an appellant must file and complete the appeal identified in SCC 14.06.150 for the relevant type of review.

- (2) No further local appeal is available when the appeal allowed in SCC 14.06.150, if any, has been heard and a decision on the appeal (other than a remand) has been issued.
- (3) A request for reconsideration is not required to exhaust administrative remedies. If a request for reconsideration is timely filed, the time for filing a petition for judicial review does not commence until the decisionmaker or appellate body disposes of the petition for reconsideration.

Part V. Permits

14.06.510 Permit Term, Extension, and Expiration

- (1) **Applicability.** This section applies to issued project permits, which is an authorization to perform the work or establish the use identified in the permit. After the expiration of the permit, legally established uses that become non-conforming are governed by the non-conforming uses provisions of SCC 14.16.880.
- (2) **Initial term.**
 - (a) A permit is valid for the initial term shown in Table 14.06.510-1 unless extended by the Director.
 - (b) A permit's initial term is measured from the date of project or permit approval specified in the Notice of Decision, except that if the decision is appealed, the effective date will be the date of decision on appeal. The initial term for a shoreline permit commences on the effective date of the permit as defined in WAC 173-27-090.
- (3) **Extension.** The Director may extend a permit the number of times shown in Table 14.06.510-1, for the length of extension indicated, only if all of the following criteria are met:
 - (a) The applicant submits a written request on forms provided by the Department prior to expiration of the permit;
 - (b) Any applicable fee has been paid;
 - (c) The use remains a permitted use in the zone;
 - (d) The extension is not prohibited by requirements of state or federal law.
- (4) **Expiration.**
 - (a) A permit issued under this title will expire if, on the date the permit expires, the permit holder has not performed the work indicated in Table 14.06.510-1 or fulfilled the requirements of the applicable permit.
 - (b) **Exception.** The initial permit term does not include the time during which a permit was not actually pursued by construction because of pending litigation related to the permit or because the applicant was diligently pursuing permits from other agencies necessary for construction.

Table 14.06.510-1 Permit Expiration Timelines

Type of Permit	Initial Term	Number of Allowed Extensions	Length of Allowed Extension
Boundary line adjustment	1 year to record	1	1 year
Building permit	See SCC 15.04.030		
Critical Areas Variance	3 years to establish the use, per SCC 14.24.140(6)		
Preliminary plat, short plat, binding site plan	Time to submit final plat is as set forth in SCC Chapter 14.18.100(6) and RCW 58.17.140		
Shoreline Permit	See RCW 90.58.143 and WAC 173-27-090		

Type of Permit	Initial Term	Number of Allowed Extensions	Length of Allowed Extension
Special Use Permit	3 years to establish the use	1	1 year
Variance	3 years to establish the use	1	1 year

14.06.520 Permit Revision

- (1) Applicability. This section applies to issued project permits, except not to boundary line adjustments nor revisions to preliminary or final subdivisions, which are governed by SCC Chapter 14.18.
- (2) Minor revisions authorized.
 - (a) A minor revision to an approved permit is reviewed consistent with SCC 14.06.150. The Director may condition approval to ensure compliance with this section.
 - (b) A minor revision is a revision that does not:
 - (i) Increase the area of the use by more than 10%;
 - (ii) Increase the intensity of the use in a way that significantly affects the surrounding area in terms of traffic, noise, hours of operation, parking, or other impacts;
 - (iii) Increase the number of lots, dwelling units, or density;
 - (iv) Decrease the quality or amount of open space;
 - (v) Result in any significant environmental impact not adequately reviewed or mitigated by previous documents;
 - (vi) Expand onto property not included in the original proposal.
- (3) A major revision is any revision other than a minor revision, or a revision that does not qualify as a minor revision when considered cumulatively with other minor revisions since initial issuance of the permit. A major revision to an approved permit requires a new application.
- (4) A permit revision may not extend the time for expiration.

14.06.530 Assurance Devices

- (1) The decisionmaker may condition a permit approval to require the posting of a performance bond, maintenance bond, or other surety to ensure that the approval conditions are met to the satisfaction of the County.
- (2) The decisionmaker may, upon request, allow or require the applicant to provide other suitable security, including but not limited to cash deposits, bonds, and assignment of banking accounts.
- (3) The decisionmaker may impose a reasonable administrative fee to cover the County's costs of administering a bond or other security when such device is requested by the applicant. This fee may not be imposed when the decisionmaker requires the provision of a particular form of bond or suitable security. Administrative fees may be proportional to the total amount of the bond or other suitable security.
- (4) Unless more specifically provided elsewhere, the default amount for bonds are described in this section. The decisionmaker may require a higher or lower amount based on the circumstances of the application.
 - (a) The default amount for a performance bond is 150% of the cost of all improvements, including material and labor. The bond must be provided before final plat or occupancy, whichever is first, and must remain in place until improvements are accepted by the County.

(b) The default amount, and duration, for a maintenance bond is shown in the table below.

Table 14.06.540-1 Maintenance Bond Default Amounts and Durations

Type of Construction	Default Amount	Duration
Utilities/frontage/fixed assets	30% of value	1 year
Landscaping	50% of cost of plants, irrigation, and labor	2 years
Critical areas	50% of value	5 years

- (5) If the improvements have not been constructed or maintained at the conclusion of the performance period, the County may pursue the bond funds to complete or maintain the improvements.

Chapter 14.10 Variances

No change to any section of this chapter except the following:

14.10.020 Applicability—Types of variances.

A variance is one of three types:

- (1) (1) Administrative Variances. The following variances are ~~Level I applications~~ administrative variances subject to the type of review shown in SCC 14.06.150 and must demonstrate compliance with the criteria identified in the cited code sections:
 - (a) – (h) [No change.]
- (2) Board of County Commissioner Variances. Variances to any requirements of the Ag-NRL zone found in SCC 14.16.400, other than those listed above, or to SCC 14.16.860, agricultural land preservation, ~~shall be processed as a Level III application~~ are BOCC variances subject to the type of review shown in SCC 14.06.150.
- (3) Hearing Examiner Variances. Any other request for variance from any of the requirements of this Title is a ~~Level II application unless otherwise specified~~ is a Hearing Examiner variance subject to the type of review shown in SCC 14.06.150.

14.10.040 Approval criteria.

- (1) In order to approve a variance, the approving authority must make findings that the reasons set forth in the application and record justify the granting of the variance and all of the following:
 - (a) – (c) [No change.]
 - (d) For all ~~Level II~~ Hearing Examiner variances and all setback variances:
 - (i) – (iv) [No change.]

Chapter 14.14 Development Agreements

No change to any section of this chapter except the following:

14.14.040 Procedures.

- (1) A development agreement shall be initiated by a written request from the property owner to Planning and Development Services.
- (2) If the Administrative Official determines in his or her discretion that a development agreement should be considered by the County, the property owner shall be so informed, except where a development agreement is specifically authorized by the Board of County Commissioners.
- (3) Development agreements ~~shall be processed as a Level III HE application, pursuant to the requirements of Chapter 14.06 SCC, Permit Procedures~~ are subject to the type of review specified in SCC 14.06.150.
- (4) When a development agreement is being considered prior to project permit approvals, the property owner shall provide the County with the same information that would be required for a complete application for such project permits in order for the County to determine the development standards and conditions to be included in the development agreement.
- (5) When a development agreement is being considered following approval of project permits, the development standards and other conditions set forth in such project permits shall be used in the development agreement without modification.
- (6) The Board of County Commissioners has final approval or denial authority for development agreements.
- (7) An approved and fully executed development agreement shall be recorded with the County Auditor.

Chapter 14.16 Zoning

No change to any section of this chapter except the following:

14.16.020 Scope

- (1) Construction. [No change.]
- (2) Administrative Official. It shall be ~~is~~ the responsibility of the ~~Administrative Official, or designated representative, Director~~ to interpret and apply the provisions of this Chapter pursuant to SCC ~~14.06.040~~ 14.06.130.
- (3) Interpretation of Uses. [No change.]

14.16.300 Rural Intermediate (RI).

- (1) [No change.]
- (2) Permitted Uses
[Insert "Temporary manufactured home subject to SCC 14.16.900(2)." No other change.]
- (3) Administrative Special Uses
[Delete "Temporary manufactured home." No other change.]
- (4) – (6) [No change.]

14.16.310 Rural Village Residential (RVR).

- (1) [No change.]
- (2) Permitted Uses
[Insert "Temporary manufactured home subject to SCC 14.16.900(2)." No other change.]
- (3) Administrative Special Uses
[Delete "Temporary manufactured home." No other change.]
- (4) – (7) [No change.]

14.16.320 Rural Reserve (RRv).

- (1) [No change.]
- (2) Permitted Uses
[Insert "Temporary manufactured home subject to SCC 14.16.900(2)." No other change.]
- (3) Administrative Special Uses
[Delete "Temporary manufactured home." No other change.]
- (4) – (6) [No change.]

14.16.370 Urban Reserve Residential (URR).

- (1) [No change.]
- (2) Permitted Uses
[Insert "Temporary manufactured home subject to SCC 14.16.900(2)." No other change.]

(3) Administrative Special Uses

[Delete "Temporary manufactured home." No other change.]

(4) – (8) [No change.]

14.16.385 Hamilton Urban Reserve (H-URv).

(1) [No change.]

(2) Permitted Uses

[Insert "Temporary manufactured home subject to SCC 14.16.900(2)." No other change.]

(3) Administrative Special Uses

[Delete "Temporary manufactured home." No other change.]

(4) – (6) [No change.]

14.16.400 Agricultural—Natural Resource Lands (Ag-NRL)

(1) [No change.]

(2) Permitted Uses

[Insert "Temporary manufactured home subject to SCC 14.16.900(2); provided, that no conversion of agricultural land is allowed." No other change.]

(3) Administrative Special Uses

[Delete "Temporary manufactured homes; provided, that no conversion of agricultural land is allowed." No other change.]

(4) – (7) [No change.]

14.16.420 Secondary Forest—Natural Resource Lands (SF-NRL).

(1) [No change.]

(2) Permitted Uses

[Insert "Temporary manufactured home subject to SCC 14.16.900(2)." No other change.]

(3) Administrative Special Uses

[Delete "Temporary manufactured home." No other change.]

(4) – (6) [No change.]

14.16.430 Rural Resource—Natural Resource Lands (RRc-NRL).

(1) [No change.]

(2) Permitted Uses

[Insert "Temporary manufactured home subject to SCC 14.16.900(2)." No other change.]

(3) Administrative Special Uses

[Delete "Temporary manufactured home." No other change.]

(4) – (6) [No change.]

14.16.600 Essential public facilities.

- (1) [No change.]
- (2) [No change, including no change to table.]
- (3) Process. After receipt of an application for an EPF, the Administrative Official must determine if the EPF is of local or regional scale.
 - (a) A regional EPF is a major facility that provides public services to more than one county, where the provider has statutory authority to site and construct the facility, or where a regional, inter-governmental siting process has been followed. An application for a regional EPF is ~~processed as a Level III application per SCC Chapter 14.06~~ subject to the type of review specified in SCC 14.06.150.
 - (b) A local EPF serves residents or property in Skagit County and is not a regional EPF. An application for a local EPF is ~~processed as a Level II application per SCC Chapter 14.06~~ subject to the type of review specified in SCC 14.06.150.
- (4) – (6) [No change.]
- (7) Notice and Community Involvement.
 - (a) Regional EPF. [No change.]
 - (b) Local EPF. ~~Must follow the notice procedures for Level II applications.~~ An application for a local EPF is subject to the standard notice requirements for the type of review specified in SCC 14.06.150.

14.16.830 Landscaping requirements.

- (1) – (5) [No change.]
- (6) General Standards. The following general standards will be required in all districts where landscaping is required:
 - (a) – (h) [No change.]
 - (i) Alternative landscape plans that differ from the requirements contained in this Section may be approved as a ~~Level II~~ administrative variance per SCC Chapter 14.10. All plans shall demonstrate how they meet the intent as outlined in this Section or that a hardship exists because of lot topography, size, or location.
 - (j) [No change.]

14.16.850 General provisions.

- (1) – (3) [No change.]
- (4) Development of Lots of Record.
 - (a) [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) ~~–(iii)~~ [No change.]
 - (iv) The lot of record has been approved on a previously issued lot of record certification consistent with ~~SCC 14.06.045(5)~~ 14.06.140(7).
 - (v) The lot of record is located in an urban growth area, is a minimum of 1 acre in size, and can satisfy the requirements of the Skagit County Code for water (either on-site or connection to a public water

system) and for wastewater (either on-site or connection to a public sewer system), together with any other code provision applicable to the type of development proposed, ~~as specified in SCC 14.06.045(6).~~

(vi) –(viii) [No change.]

- (d) In the following zones, if the proposed use for the substandard lot of record is one of the following nonresidential uses and otherwise meets all requirements for the use in the zone, it may be allowed regardless of ~~the determination pursuant to SCC 14.06.045(1)(b)~~ whether the lot is determined eligible for development per SCC 14.06.140:

(i) –(vii) [No change.]

- (e) In the natural resource land zones, if the proposed use for the substandard lot of record is any of the uses permitted in the respective natural resource land zone other than the following residential uses, it may be allowed regardless of ~~the determination pursuant to SCC 14.06.045(1)(b)~~ whether the lot is determined eligible for development per SCC 14.06.140:

(i) –(iii) [No change.]

- (f) Reasonable Use.

(i) [No change.]

(ii) The County evaluation of a reasonable use exception to the requirements of this Section ~~shall be processed as a Level I administrative decision, pursuant to SCC 14.06.110, including all of the public notice and comment requirements.~~ is subject to the type of review specified in SCC 14.06.150.

(iii) [No change.]

14.16.880 Nonconforming uses and structures.

(1) – (5) [No change.]

- (6) Procedure for Verifying Abandonment. ~~When the Department obtains information indicating that a nonconforming use, building or structure has or may have been abandoned, the Department shall send a letter by certified mail return receipt requested to the property owner requesting confirmation of either abandonment or non-abandonment. Documentation that the nonconforming use, structure, or building has been occupied, used, or maintained within the last year shall be required. After proper notification, if the owner fails to respond to the request within 60 days, the building, structure, or use shall be deemed abandoned. If the owner replies that the building, structure, or use is not abandoned, the Department may treat this as a Level II permit application, in which case the Hearing Examiner will make a determination regarding the abandonment status, or the Department may determine that abandonment has not occurred.~~

- (a) When the Director obtains information indicating that a nonconforming use, building, or structure has or may have been abandoned, the Director may send a letter by certified mail return receipt requested to the property owner requesting:
- (i) confirmation of either abandonment or non-abandonment; and
 - (ii) if the property owner responds the building, structure, or use has not been abandoned, the property owner must provide documentation that the nonconforming use, structure, or building has been occupied, used, or maintained within the last year.
- (b) If the property owner fails to respond to the request within 60 days, the building, structure, or use is deemed abandoned and there is no right to an appeal.
- (c) If the property owner responds that the building, structure, or use is not abandoned, the Director must evaluate the documentation provided and any other information available to the Director and make a

determination as to whether abandonment has occurred. The property owner may appeal the Director's decision as a Type 1 review per SCC 14.06.150.

14.16.900 Special Use permit requirements

(1) Special Uses.

(a) [No change.]

(b) Process/Authority for Special Use Permit.

~~(i) Administrative special uses shall be reviewed as a Level I permit, pursuant to Chapter 14.06 SCC. An application for an administrative special use permit is subject to the type of review specified in SCC 14.06.150.~~

~~(ii) Hearing Examiner special uses shall be reviewed as a Level II permit, pursuant to Chapter 14.06 SCC. An application for a hearing examiner special use is subject to the type of review specified in SCC 14.06.150.~~

(iii) The Hearing Examiner shall have authority to order that a special use permit be revoked, suspended, or modified based on a finding that the conditions have not been satisfied by the applicant. The ~~Administrative Official~~ Director or party of record may request a review by the Hearing Examiner on a special use permit ~~pursuant to a Level II action, pursuant to Chapter 14.06 SCC~~ subject to the type of review specified in SCC 14.06.150.

(iv) – (v) [No change.]

(c) [No change.]

(d) All special uses 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 (1)(d)(i) and (iii) 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) [No change.]

(ii) Where a special use did not initially include a phasing plan, but prior to the automatic permit reversion an applicant desires the phasing of the operation, a phasing plan may be submitted to the County for consideration. This ~~plan shall be reviewed through a Level II review process~~ is subject to the type of review specified in SCC 14.06.150 and must be reviewed for compliance with the special use criteria.

(iii) The time limits established above shall be tolled pending resolution of any appeals, and may be extended by the ~~Board of County Commissioners~~ Director upon a showing that the applicant is diligently taking actions to obtain necessary permits and approvals to establish the use.

(2) ~~Special~~ Uses With Specific Criteria.

[No change.]

(3) Special Use Permit Annual Self-Certification.

[No change.]

14.16.910 Urban reserve development permit (URDP).

- (1) [No change.]
- (2) Hearing Examiner URDP. A request for a Hearing Examiner URDP shall be processed by the County according to the steps and criteria in this Subsection.
 - (a) [No change.]
 - (b) After the property owner or applicant has obtained a favorable determination regarding sewer service from the applicable city, the applicant may file an application for a Hearing Examiner URDP. The application shall be processed as a Level II decision pursuant to SCC 14.06.120.
 - (c) [No change.]
- (3) [No change.]

Chapter 14.18 Land Divisions

No change to any section of this chapter except the following:

14.18.000 General

(1) – (8) [No change.]

(9) Innocent Purchaser.

(a) –(b) [No change.]

(c) A recorded lot certification, as described in SCC ~~14.06.045(4)~~ 14.06.140, shall be conclusive evidence of notice regarding lot status. Any person who purchases a lot with a previously recorded lot certification indicating the lot is not a lot of record will not be granted innocent purchaser status under this Subsection.

(d) An innocent purchaser of a lot created in violation of the Skagit County Code who files a notarized affidavit of innocent purchase with the County on forms satisfactory to the Administrative Official and Prosecuting Attorney shall be entitled to have the lot treated as a lot of record for purposes of conveyance according to the provisions of this Code pertaining to lot certification, SCC ~~14.06.045(1)(a)~~ 14.06.140. The lot must meet the requirements of SCC 14.16.850(4) to be considered for development permits.

(e) [No change.]

(10) [No change.]

(11) Lot certification for newly created lots must be issued and recorded for all lots upon recording of the plat map, either separately or as a note on the short plat or plat map.

14.18.100 Preliminary subdivisions

[No change.]

(1) – (2) [No change.]

(3) Review Process.

~~(a) Preliminary short subdivisions shall be processed as a Level 1 application, per Chapter 14.06 SCC.~~

~~(b) Preliminary long subdivisions with fewer than 9 lots shall be processed as a Level 1 application, per Chapter 14.06 SCC.~~

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

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

~~(e)~~ An application for a preliminary short or long subdivision is subject to the type of review specified in SCC 14.06.150. The review process shall determine conformity with the applicable approval requirements of SCC 14.18.000(5) and any additional applicable approval requirements in SCC Chapters 12.05, 12.48, 14.16, 14.18, 14.24 (Critical Areas Ordinance), 14.28 (Concurrency), 14.32 (Stormwater Management) and 16.12. The proposed subdivision shall be approved, approved with conditions, or denied.

(4) – (5) [No change.]

(6) Preliminary Subdivision Approval Duration

(a) – (g) [No change.]

~~(h) The Administrative Official's decision on a plat extension request is appealable as a Level I decision pursuant to SCC Chapter 14.06.~~

14.18.200 Final subdivisions

(1) – (2) [No change.]

(3) Review process. An application for a final subdivision is subject to the type of review specified in SCC 14.06.150.

~~(a) Final short subdivisions shall be reviewed as a Level I application, per Chapter 14.06 SCC.~~

~~(b) Final long subdivisions shall be reviewed as a Level IV application, per Chapter 14.06 SCC.~~

(4) – (7) [No change.]

(8) Alterations of Final Subdivisions

(a) – (b) [No change.]

(c) An application for an alteration of an approved final short or long subdivision is subject to the type of review specified in SCC 14.06.150. ~~an approved final short subdivision shall be processed as a Level I permit. An application for an alteration of an approved final subdivision shall be processed as a Level III-HE permit.~~ The application may be approved if the proposed alteration is consistent with the requirements of the SCC.

(d) – (e) [No change.]

(9) Vacations of a Final Subdivision.

(a) [No change.]

(b) ~~All~~ An application for a subdivision vacation applications shall be reviewed as a Level I permit is subject to the type of review specified in SCC 14.06.150.

(c) [No change.]

14.18.310 General approval provisions—CaRD

(1) [No change.]

(2) Allowable Density. The maximum residential gross densities shall not exceed those set forth in the following lot size table. The maximum density as allowed for by the Comprehensive Plan may not necessarily be granted if a density limitation is necessary to meet septic and/or water system requirements. There shall be no density bonus for CaRD developments in areas designated as a “sole source aquifer,” except where the source of water is from a public water system whose source is outside the designated area or from an approved alternative water system pursuant to Chapter 12.48 SCC. Applications for such systems are processed pursuant to the regulations outlined in Chapter 12.48 SCC. Applications for CaRDs requesting an alternative system to obtain a density bonus shall be processed as a Level II application Type 3 review per SCC 14.06.150. Hearing Examiner criteria for review of an alternative system shall ensure that the system has no adverse impacts to the sole source aquifer. For CaRD density bonus developments in flow-sensitive basins refer to SCC 14.24.350.

[No change to table.]

(3) – (9) [No change.]

14.18.320 Approval provisions—CaRDs with 4 or fewer lots (short CaRDs)

- (1) – (2) [No change.]
- (3) Alternatives in Subsections (1) and (2) of this Section may be waived if the short CaRD is processed subject to a ~~Level III HE process~~ Type 3 review per SCC 14.06.150 and the Hearing Examiner determines that the purposes of SCC 14.18.300 can be met and the required right-of-way or easement area for any access roads to serve the building lots/envelopes shall then be taken out of the allowable area for the building lots/envelopes.

14.18.500 Binding site plans

- (1) – (3) [No change.]
- (4) Review Process. An application for a Binding Site Plan is subject to the type of review specified in SCC 14.06.150.
 - ~~(a) Binding site plans for the creation of lots in existing developments, or for 8 or fewer lots, tracts, parcels, or units on a new development, shall be processed as a Level I permit.~~
 - ~~(b) Binding site plans for the creation between 9 and 50 lots, tracts, parcels, or units shall be processed as a Level II 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 permit.~~
- (5) – (7) [No change.]
- (8) Alterations of Approved Binding Site Plan.
 - (a) – (b) [No change.]
 - (c) Major alterations shall be processed as under the same process as the original permit and shall require complete resubmittal of all application materials specified in SCC 14.18.100(7). Minor alterations ~~shall be processed as a Level I permit~~ are subject to the type of review specified in SCC 14.06.150.
 - (d) [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 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. A boundary line adjustment is not a land division; procedures for boundary line adjustments are placed in this chapter solely for administrative convenience.
- (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~~ are subject to the type of review specified in SCC 14.06.150. 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) – (d) [No change.]

(3) Final Approval and Recording Required.

- (a) A title insurance certificate updated not more than 30 days prior to recording of the adjustment, which includes all parcels within the adjustment, must be submitted to the Department with boundary line adjustment final review documents. All persons having an ownership interest within the boundary line adjustment shall sign the final recording document in the presence of a notary public.
- (b) Prior to final approval, documentation authorizing the transfer of property ownership shall be placed on the original boundary line map along with the legal descriptions of those portions of land being transferred when lots are under separate ownership. Lot lines within lots under the same ownership will be adjusted upon the recording of the boundary line adjustment.
- (c) Boundary line adjustments shall be based on legal descriptions, certified by a licensed surveyor or title company, of the revised lots, tracts, or parcels.
- (d) When a boundary line adjustment is approved, the Department must approve lot certification for the adjusted lots and include the lot certification as a note on the boundary line adjustment recording.

Chapter 14.20 Master Planned Resorts

No change to any section of this chapter except the following:

14.20.080 Development permits.

In addition to the approval of a resort master plan, new development within a master planned resort shall require approval of a special use permit ~~to be reviewed as a Hearing Examiner special use (a Level II permit)~~ pursuant to the provisions of SCC 14.16.900(1), as amended; except where the applicant requests and the County authorizes a development agreement pursuant to Chapter 14.14 SCC, Development Agreements, and RCW 36.70B.170 through 36.70B.210.

14.20.090 Modifications and amendments to adopted master plans.

Modifications to an approved master plan may be considered according to the following standards:

- (1) Minor Modifications. Minor modifications include minor changes to the timing of approved development, minor shifting of the location of buildings, proposed streets, public or private ways, sewer or water facilities, parking areas, landscaping, parks and open space, or similar improvements. Minor modifications to a master plan shall be subject to a ~~Level I administrative review process~~ Type 2 review per SCC 14.06.
- (2) Major Modifications. All other modifications to an adopted master plan, including, but not necessarily limited to, new uses not previously authorized in the master plan or a need for different or expanded facilities, shall be considered as major modifications and shall require an amendment to the master plan subject to a ~~Level III review process~~ Type 3 review per SCC 14.06.

14.20.110 Decision-making authority.

- (1) The Hearing Examiner shall hear and make final decisions on Level II MPR special use permits and may hear and make recommendations on certain Level III MPR development agreements, as authorized under Chapter 14.06 SCC and SCC 14.14.040 and 14.16.900(1). Appeals of the Hearing Examiner's decisions on Level II MPR special use permits shall be to the Board of County Commissioners as authorized in Chapter 14.06 SCC.
- (2) The Planning Commission, pursuant to its authority specified under SCC 14.08.080 ~~and 14.14.040~~, shall hear and make recommendations on resort master plans and site-specific applications for MPR land use designations on the Comprehensive Plan Land Use Map ~~and certain Level III MPR development agreements~~.
- (3) The Board of County Commissioners, pursuant to its authority specified under Chapter 14.06 SCC, SCC 14.08.090, 14.14.040 and this Section, shall approve or deny resort master plans, designate new Master Planned Resort land use districts on the Comprehensive Plan Land Use Map, approve or deny the uses, densities, conditions and standards authorized for site-specific ~~Level III MPRs~~ in a development agreement, ~~and hear appeals of Level II MPR special use permit decisions from the Hearing Examiner. Board of County Commissioner decisions may be appealed as provided for in State law.~~

Chapter 14.22 Land Disturbance

No change to any section of this chapter except the following:

14.22.040 Development standards.

- (1) ~~The Administrative Official has authority to review and to approve, conditionally approve, or deny a land disturbance application.~~ A land disturbance application may be approved, conditionally approved, or denied subject to the type of review specified in SCC 14.06.150.
- (2) [No change.]
- (3) ~~The Administrative Official~~ decisionmaker on the application may require additional or more stringent standards than those specified in this Chapter to the extent necessary to protect the public health, safety, and welfare or to mitigate any adverse impacts from land disturbing activities. ~~The Administrative Official~~ decisionmaker must provide written findings of fact related to the additional requirements to the applicant.
- (4) ~~The decision of the Administrative Official under Subsection (1) or (3) of this Section is a Level 1 decision~~ appealable under SCC 14.06.050 Chapter 14.06.
- (5) [No change.]

Chapter 14.24 Critical Areas

No change to any section of this chapter except the following:

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) – (4) [No change.]

(5) Waiver of the 6-Year Moratorium. The applicant may apply to the County for a waiver of the 6-year moratorium. The 6-year moratorium may be waived for a lot of record where such activity complies with all applicable County ordinances. ~~Such waiver may be issued by the Administrative Official as a Level I process where a finding can be made that granting the waiver meets the criteria noted below. Before acting on the request for waiver of the moratorium, the Administrative Official shall issue a notice of development application (NODA) consistent with the procedures under SCC Chapter 14.06, including a 15-day comment period, and review the project for consistency with SEPA under SCC Chapter 16.12; provided further, where the initial critical areas review and site visit concludes that no critical areas have been impacted, or do not exist, the Administrative Official Director may waive the NODA requirement and issue the waiver. An application for a waiver is subject to the type of review specified in SCC 14.06.150.~~ The following shall provide the criteria for considering a waiver:

(a) [No change.]

(b) [No change.]

(6) [No change.]

14.24.140 Variances.

(1) If the strict application of this Chapter is found to deprive the subject property of rights and privileges enjoyed by other properties in the vicinity, due to special circumstances applicable to the subject property, including size, shape, and topography, a critical areas variance may be authorized as provided in Chapter 14.10 SCC; provided however, that those surrounding properties that have been developed under regulations in effect prior to the effective date of the ordinance codified in this Chapter shall not be the sole basis for the granting of the variance.

(a) Standard buffer widths may be reduced by more than 25% but not more than 50% through an administrative variance subject to the type of review specified in SCC 14.06.150. ~~The administrative variance shall be processed as a Level I application pursuant to SCC 14.06.110.~~

(b) Standard buffer widths may be reduced by more than 50% through a Hearing Examiner variance subject to the type of review specified in SCC 14.06.150. ~~The Hearing Examiner variance shall be processed as a Level II application pursuant to SCC 14.06.120.~~

(2) - (7) [No change.]

Chapter 14.32 Stormwater Management

No change to any section of this chapter except the following:

14.32.090 Adjustments and exceptions.

- (1) [No change.]
- (2) [No change.]
- (3) A request for an adjustment or exception must adequately describe the justification for relief and is subject to the type of review specified in SCC 14.06.150 ~~processed as a Level I decision under SCC 14.06.110.~~

Chapter 14.44 Enforcement/Penalties

No change to any section of this chapter except the following:

14.44.290 Appeals.

Any person subject to an administrative order issued pursuant to this Chapter may appeal it in writing to the Hearing Examiner within 14 calendar days of service on forms provided by the Department. The procedures in Appeals are processed per SCC Chapter 14.06 govern any appeals, with the exception that the Board of County Commissioners may accept and hold a closed-record appeal of the Hearing Examiner's decision. ~~See, especially, SCC 14.06.110(7) through (9).~~

Chapter 15.04 International Codes

No change to any section of this chapter except the following:

15.04.021 Appeals

For all codes adopted by this Title, the County does not adopt any section regarding, or reference to, a Board of Appeals. ~~The Hearing Examiner, pursuant to the~~ The procedures in SCC Chapter 14.06-110, ~~will hear govern~~ all appeals of orders, decisions, or determinations made by the Building Official and/or the Fire Code Official regarding the application and interpretation of this Title.

Chapter 16.12 State Environmental Policy Act

No change to any section of this chapter except the following:

16.12.210 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~~ subject to the type of review specified in SCC 14.06.150; provided, that the decision of the Hearing Examiner on appeal 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.]

Exhibit B
Planning Commission Recorded Motion

Skagit County Planning Commission's Recorded Motion Regarding the Proposed Permit Procedures Code Update

Proposal publish date:	May 23, 2024
Proposal name:	Proposed Permit Procedures Code Update
Documents available at:	skagitcounty.net/Departments/PlanningAndPermit/permitupdate.htm
Public hearing body:	Skagit County Planning Commission
Public hearing date:	Tuesday, June 18, 2024, at 6 p.m.
Written comment deadline:	Thursday, June 20, 2024, at 4:30 p.m.
PC deliberations:	Tuesday, June 25, 2024

After considering the written and spoken comments and considering the record before it, the Planning Commission enters the following findings of fact, reasons for action, and recommendations to the Board of County Commissioners.

Findings of Fact and Reasons for Action

1. On the dates identified above, the County published a Notice of Availability, Public Comment, and SEPA Threshold Determination for the proposal, and the Planning Commission held a public hearing on the proposal.
2. Goal 7 of the Growth Management Act (RCW 36.70A.020) provides that local government permit applications should be processed in a timely and fair manner to ensure predictability.
3. RCW Chapter 36.70B, Local Project Review, provides the state rules governing permit procedures and has recently been updated by state legislation, including 2SSB 5290 (2023).
4. SCC Chapter 14.06 governs the County's procedures for review of permit applications.
5. The County's permit procedures have not been comprehensively revised since they were adopted in the year 2000.
6. Recent state legislation, 2SSB 5290 (2023), created requirements for amendments to the County's permit procedures, including new timelines for application review.
7. County permit procedures should be written in plain language, well-organized, and easy to use.
8. County permit procedures should ensure an appropriate amount of public comment opportunity is provided for an application based on the complexity and amount of discretion in the type of application.
9. The County Planning Department is working to deploy new permit software that will benefit from the proposed code changes.

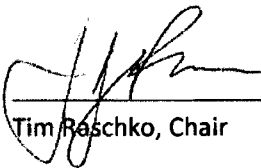
Recommendation

The Planning Commission recommends that the Board of County Commissioners **approve** the permit procedures update as proposed, with the addition of a phrase that public comments will be reviewed by the decisionmaker on an application.

This recorded motion approved June 25, 2024:

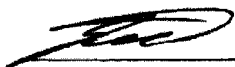
<i>Commission Vote</i>	Support	Oppose	Absent	Abstain
<i>Tim Raschko, Chair</i>	X			
<i>Tammy Candler, Vice Chair</i>	X			
<i>Kathy Mitchell</i>			X	
<i>Amy Hughes</i>	X			
<i>Joe Woodmansee</i>	X			
<i>Martha Rose</i>	X			
<i>Vincent Henley</i>	X			
<i>Jennifer Hutchinson</i>	X			
<i>Angela Day</i>	X			
<i>Total</i>	8	0	1	0

SKAGIT COUNTY PLANNING COMMISSION
SKAGIT COUNTY, WASHINGTON



Tim Raschko, Chair

6-25-24
Date



Jack Moore, Planning Director

6-26-24
Date