

Chapter 14.08 LEGISLATIVE ACTIONS

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14.08.010 Intent.

The intent of this Chapter is to establish roles and responsibilities of Planning and [Development](#) Services staff (“[Department](#)”), the [Planning Commission](#) (“[Commission](#)”) and the [Board](#) of [County](#) Commissioners (“[Board](#)”) relating to adoption of the [Comprehensive Plan](#), subarea plans, functional plans, [development regulations](#) found in [SCC](#) Title 14 and amendments thereto pursuant to the requirements of Chapters 36.70 and 36.70A RCW. This Chapter shall not apply to review of [development permits](#), or the amendment of [County](#)-wide Planning Policies. The responsibilities and procedures for review of [development permits](#) are governed by the provisions of Chapter 14.06 [SCC](#). (Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

14.08.020 Petition for amendments to the Comprehensive Plan/rezones.

- (1) [Comprehensive Plan](#) amendments consist of 3 types: policy amendments, map amendments not associated with [Urban Growth Area](#) boundary modifications, and map amendments proposing modification of an [Urban Growth Area](#) boundary. [Comprehensive Plan](#) amendments associated with the modification of an [Urban Growth Area](#) boundary shall be referred to as UGA modification proposals.
- (2) [Comprehensive Plan](#) policy amendments or map amendments, excluding UGA modification proposals, may be initiated by the [County](#) or by other entities, organizations, or individuals. Written petitions for [Comprehensive Plan](#) amendments are required to be filed with the [Department](#) by all parties other than the [County](#). Petitions for UGA modifications shall only be accepted from the affected jurisdiction (city/town for municipal UGA, tribe for tribal UGA, Skagit [County](#) for Bayview Ridge UGA).
- (3) Petitions for [Comprehensive Plan](#) amendments and/or [rezones](#), excluding UGA modification proposals, must be submitted on or before the last [business](#) day of July (see Subsection (5) of this Section for UGA modification proposal timing requirements). [County](#)-initiated [rezone](#) and/or [Comprehensive Plan](#) amendment proposals shall not be subject to the July submittal deadline. Proposed [rezones](#) and amendments to the [Comprehensive Plan](#) shall be considered no more frequently than once per year, according to the schedule provided in this Chapter, so that the cumulative effect of all proposals may be considered; provided, however, the [County](#) may adopt amendments more frequently than once per year if the proposal is related to current [use](#) taxation, if the proposal is the initial adoption of a subarea plan or functional plan, if the amendment is to the [County](#)’s Shoreline Master Program under the procedures set forth in Chapter 90.58 RCW, if the amendment is to the [capital facilities](#) element that occurs concurrently with the adoption or amendment of the [County](#) budget, if an emergency exists, or to resolve an [appeal](#) of a [Comprehensive Plan](#) filed with a growth management hearings [board](#) or with the court. An emergency amendment may only be adopted if the [Board](#) finds that the amendment is necessary to address an immediate situation of Federal, [State](#), subarea, or [County](#)-wide concern as opposed to a personal emergency on the part of the [applicant](#) or property [owner](#) and the situation cannot adequately be addressed by waiting until the annual [Comprehensive Plan](#) amendment process. [Comprehensive Plan](#) amendments and/or [rezones](#) will only be considered once in every 7-year period for any given property. The 7-year review period shall begin the year immediately following the [County](#)’s completion of

its GMA-mandated 7-year update of its [Comprehensive Plan](#). If a change in circumstance exists, which has been deemed sufficient by the [Board](#), the [County](#) may elect to re-review a prior or revised proposal. In no case, even in separate 7-year periods, shall a proposal on the same property be reviewed in consecutive years.

(4) Submittal Requirements for [Comprehensive Plan](#) Policy and Map Amendments.

(a) A petition for a policy amendment shall include, at a minimum, the following information:

- (i) A detailed statement of what is proposed to be changed and why.
- (ii) A statement of anticipated [impacts](#) to be caused by the change, including geographic area affected and issues presented.
- (iii) A demonstration of why existing [Comprehensive Plan](#) policies should not continue to be in effect or why existing policies no longer apply.
- (iv) A statement of how the amendment complies with the [Comprehensive Plan](#)'s community vision statements, goals, objectives, and policy directives.
- (v) A statement of how adopted functional plans and [Capital Facilities](#) Plans support the change.
- (vi) A statement of how the change affects implementing [development regulations](#) in [SCC](#) Title [14](#) and the necessary changes to bring the implementing [development regulations](#) into compliance with the plan.
- (vii) A summary of any public review of the recommended change.

(b) A petition for a map amendment shall include, at a minimum, all of the requirements for a policy amendment, plus the following additions:

- (i) A detailed statement describing how the map amendment complies with [Comprehensive Plan](#) land [use](#) designation criteria.
- (ii) Any proposed [urban growth area](#) boundary changes shall be supported by and dependent on population forecasts and allocated urban population distributions, existing urban densities and infill opportunities, phasing and availability of adequate services, proximity to designated [natural resource lands](#) and the presence of [critical areas](#).
- (iii) Any proposed rural areas and [natural resource land](#) map designation changes shall be supported by and dependent on population forecasts and allocated non-urban population distributions, existing rural area and [natural resource land](#) densities and infill opportunities.
- (iv) Any proposed [natural resource land](#) map designation changes shall recognize that [natural resource land](#) designations were intended to be long-term designations and shall further be dependent on 1 or more of the following:
 - (A) A change in circumstances pertaining to the [Comprehensive Plan](#) or public policy.
 - (B) A change in circumstances beyond the control of the landowner pertaining to the [subject property](#).
 - (C) An error in initial designation.
 - (D) New information on [natural resource land](#) or [critical area](#) status.

(5) Each UGA boundary may be considered for modification once in every 7-year period. The 7-year review period shall begin the year immediately following the [County](#)'s completion of its GMA-mandated 7-year update of its [Comprehensive Plan](#).

(a) The [County](#) may change adopted UGA boundaries more frequently than once in every 7-year period when 1 or more of the following conditions are met:

- (i) The boundary adjustment is necessary to make minor technical corrections to a UGA boundary due to a mapping error or to be more consistent with identifiable physical boundaries such as natural features, [roads](#), or special purpose [districts](#). Minor boundary adjustments shall not increase the buildable land [development](#) capacity by more than 1 percent within the affected UGA;
 - (ii) The boundary adjustment is the result of an emergency [Comprehensive Plan](#) amendment by the affected jurisdiction in accordance with RCW 36.70A.130(2)(b);
 - (iii) The boundary adjustment is necessary to comply with changes to [State](#) or Federal laws, regulations or standards;
 - (iv) When required as part of a compliance order from the Western Washington Growth Management Hearings [Board](#) or court of higher authority;
 - (v) The boundary adjustment will permanently preserve a substantial land area containing 1 or more significant natural or cultural feature(s) as [open space](#) and will provide separation between urban and rural areas; provided, that the boundary adjustment does not result in a significant increase to population or employment capacity. The presence of significant natural or cultural features shall be determined by the respective legislative bodies of the [County](#) and the municipality or municipalities immediately adjacent to the proposed expansion, and may include, but are not limited to, landforms, rivers, bodies of water, historic properties, archaeological resources, unique wildlife habitat, and fish and wildlife conservation areas;
 - (vi) There is less than 50% remaining of the vacant and buildable land base (residential, commercial, or industrial, respectively) that was designated within the incorporated and unincorporated areas of the particular UGA based on the last residential population and/or commercial/industrial land sub-allocation, or through any subsequent expansion of the UGA boundaries; or
 - (vii) The [Board](#) may waive the requirement in Subsection (5)(a)(vi) of this Section upon finding that:
 - (A) The request has been formally reviewed and endorsed by the impacted jurisdiction; and
 - (B) The inability to reach the 50% threshold is accounted for either by (1) a small number of parcels within the UGA which account for a significant portion of remaining buildable lands for which it can be clearly demonstrated that they are not likely to develop in the planning horizon of the existing boundary; (2) an assessment that concludes there is a deficiency of larger parcels within that UGA to accommodate the remaining commercial or industrial growth projected for that UGA; or (3) other documented local circumstances that relate to the land market factors relevant to UGA expansion or reduction; and/or
 - (C) The expansion will allow the [development](#) of a school, K-12, public or private; provided, that the expansion area is adjacent to an existing UGA and will be designated and zoned exclusively for that [use](#) and will not add any residential, commercial or industrial capacity to the affected UGA.
- (b) All UGA modifications shall be subject to the following requirements:
- (i) UGA boundary adjustments shall be consistent with the requirements of the Skagit [County Comprehensive Plan](#).
 - (ii) Sufficient land area must be included in the UGAs to accommodate the adopted 20-year population and employment forecast allocation as adopted by the SCOG and consistent with OFM projections. The extent of a UGA boundary expansion shall be that necessary to provide a minimum 10- and a maximum 20-year supply of vacant and buildable lands within the UGA.
 - (iii) A jurisdiction, as part of its [comprehensive plan](#) amendment that proposes an expansion of its UGA to accommodate additional population or employment capacity, shall conduct planning and analysis sufficient to update and confirm the [development](#) capacity analysis for buildable land within

the existing UGA for residential, commercial, and/or industrial lands, which takes into account all [development](#) approved within the overall UGA since the last UGA expansion. Minimum requirements for UGA buildable lands [development](#) capacity analyses shall include the following steps:

- (A) Define vacant and underutilized (but likely to redevelop) parcels by [zone](#).
 - (B) Deduct from the gross land capacity by [zone](#)—identified in Subsection (5)(b)(iii)(A) of this Section—the following lands not available to accommodate future population or employment:
 - (1) [Critical areas](#) (and buffers as appropriate).
 - (2) Future [roads](#)/rights-of-way needs.
 - (3) Future public or quasi-public facilities needs.
 - (4) Remaining lands likely to be held off-the-market (e.g., market or other factors).
 - (C) Apply the minimum (or average achieved) density or intensity of [use](#) in each [zone](#) to the remaining net developable acres identified in Subsection (5)(b)(iii)(B) of this Section.
 - (D) Apply appropriate household size and/or employee land intensity standards to the output—identified in Subsection (5)(b)(iii)(C) of this Section—to determine total UGA population or employment capacity.
- (iv) Document consistency of the proposed UGA expansion with Countywide Planning Policy 1.1 and the adopted 20-year population and employment allocation, including identification of any allocated but undesignated forecast population or employment.
- (v) Preparation of a comparative evaluation of potential areas for UGA expansion, including: (A) planning and zoning regulations currently in place; (B) an evaluation of how a full range of urban-level infrastructure and services would be provided within potential expansion areas, including appropriate [capital facility](#) analysis; and (C) an evaluation of [reasonable alternatives](#), other than expanding the UGA, to accommodate the forecast UGA population or employment allocation. This shall include consideration of [development regulation](#) amendments to allow for increased densities and intensities of [use](#) in the existing UGA. Consideration of [reasonable alternatives](#) to UGA expansion shall be within the discretion afforded to local governments by RCW 36.70A.110(2) to make choices about accommodating growth.
- (vi) Document the proposed UGA expansion for consistency with any applicable inter-local agreement between the affected municipality and the [County](#).
- (vii) Review the planning and zoning regulations and any incentive programs in place to determine expected densities in the existing UGA consistent with the GMA, as interpreted by the Growth Management Hearings [Board](#), and the adopted [Comprehensive Plan](#).
- (viii) In evaluating potential changes to a particular UGA boundary, the [County](#) shall consider Countywide implications for other UGAs and their population and employment sub-allocations.
- (ix) In cases of residential lands proposed for inclusion within a UGA, annexation or incorporation should be encouraged to occur if immediately feasible, or an [interlocal agreement](#) shall be executed between the municipality and [County](#) regarding the timing and conditions of future annexation and provision of [urban services](#).
- (x) The UGA expansion shall not include areas that are designated as [natural resource lands](#) (agricultural, forest, or rural resource) unless:
- (A) The jurisdiction has an adopted transfer of [development](#) rights program in place and an agreement with the property [owner\(s\)](#) that will allow for continuation of the [natural resource land](#) activities on said lands following UGA designation; or

(B) Said lands have been re-designated to an appropriate non-resource land [use](#) designation consistent with the applicable provisions of the Skagit [County](#) Comprehensive [Plan](#), Skagit [County](#) Code, and Chapter 36.70A RCW.

(xi) The [County](#) and [cities](#) shall conduct early and continuous public involvement when establishing, expanding, or adjusting UGAs, and shall do so jointly when appropriate. Residents and property [owners](#) of unincorporated areas shall be consulted and actively involved in the process affecting them.

(xii) The [County](#) shall exercise its best efforts to coordinate UGA boundary change proposals with the affected municipality(ies), including the preparation of joint staff recommendations where possible. Unless waived by the affected municipality(ies), such municipality(ies) shall be given at least 60 [days](#)' notice of the proposal prior to a [County](#) hearing thereon.

(6) The petition for a [Comprehensive Plan](#) policy or map amendment and/or [rezone](#) shall be on forms provided by the [Department](#) and shall contain suggested amendatory language, where appropriate. If the proposed amendment is a [site](#)-specific amendment that applies to a specific number of parcels which are in readily identifiable [ownership](#) or is in conjunction with an identifiable [development proposal](#), then the petitioner shall pay a fee with the petition as prescribed by the approved fee schedule as now or hereafter amended.

(7) [Rezones](#).

(a) All [rezones](#) shall be processed together with a corresponding [Comprehensive Plan](#) amendment, except that [rezones](#) located wholly within an existing UGA and contemplating no UGA boundary modification shall be considered to stand alone and shall not require a corresponding [Comprehensive Plan](#) amendment. The procedures for a stand-alone [rezone](#) application, notice, schedule, etc., shall follow those for the [Comprehensive Plan](#) amendments/rezones in Subsections (2) through (6) of this Section.

(b) Petitions for [rezones](#), including those processed in conjunction with a [Comprehensive Plan](#) amendment, shall include at a minimum all of the requirements for policy and map amendments, plus the following additions:

(i) A detailed [development proposal](#) that is consistent with the applicable designation criteria; and

(ii) A 1-inch equals 100 feet map showing the [subject property](#) and property lines and land [use](#) designations for all properties within 500 feet of the [site](#).

(c) Approval Criteria for [Rezones](#).

(i) The property can meet the detailed standards in Chapter [14.16 SCC](#) applicable to the proposed [zone](#).

(ii) The [lot\(s\)](#) shall be reviewed for compliance with [SCC 14.16.850\(4\)](#) for the purposes of determining [development](#) potential.

(iii) All [Comprehensive Plan](#) amendments/rezones to a commercial or industrial [zone](#) may require a [development](#) project be commenced for the entire redesignated/rezoned area within 2 years of the redesignation/rezone, unless [development](#) is phased. For the purposes of this Section, "commenced" shall mean either (A) a commercial or industrial operation permitted by the redesignation/rezone has been established or (B) a complete [building permit](#) has been filed with Planning and [Development](#) Services for the [principal building](#) which will allow the commercial or industrial operation. Upon [building permit](#) approval, the [principal building](#) shall be completed (i.e., final inspections completed) within 3 years. Those properties or portions of properties redesignated/rezoned to a non-municipal UGA commercial or industrial [zone](#) shall be reviewed by the [County](#) in the year following each 7-year update. For those properties where the above time frames are not met the [County](#) shall consider such property for a [County](#)-initiated redesignation/rezone to revert the property to the original designation and zoning, unless a phasing plan is approved pursuant to Subsections (7)(c)(iii)(A) and (B) of this Section. Commercial and industrial zoning is not intended for speculative purposes. Removal of the commercial or industrial zoning designation should occur on properties not meeting

the above time frames unless it can be shown that a specific [project](#) is imminent on the [subject property](#) given reasonable additional time. For purposes of this Subsection, “[development area](#)” shall mean all portions of the [site](#) needed to meet permit and [development regulation](#) requirements, such as [lot coverage](#) and [setbacks](#).

- (A) If an [applicant](#) desires to phase [development](#) of a commercial or industrial rezoned property, a phasing plan shall be submitted and reviewed as part of the [Comprehensive Plan](#) amendment/rezone [application](#). When an amendment/rezone includes a phasing plan, the initial phase shall be commenced and completed within the time frames articulated above. Subsequent phases shall be commenced and/or constructed within the time frames established in the phasing plan, or within a 6-year period. Otherwise, the commercial designation/zoning shall expire and the redesignation/rezoning shall revert to its previous designation for those portions of the property where these requirements are not met.
- (B) Where a redesignation/rezone did not initially include a phasing plan, but prior to the automatic designation/zone 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 and be reviewed for compliance with the [rezone](#) criteria.
- (C) The time limits established above shall be tolled pending resolution of any [appeals](#), and may be extended by the [Board of County](#) Commissioners upon a showing that the [applicant](#) is diligently taking actions to obtain necessary permits and approvals to establish the [use](#).
- (iv) In addition to the requirements listed above, [Comprehensive Plan](#) amendments/rezones for new Small-Scale Recreation and Tourism designations shall include a [site](#) plan of the wholly new or expanding recreational or tourist [use](#) that shall:
- (A) Designate the location of all [uses](#).
- (B) Demonstrate that the location of the Small-Scale Recreational or Tourist [uses](#) is based upon the scenic and/or natural features of the land that support the need for a rural location and setting.
- (C) Demonstrate that the proposed expansion of an existing recreational or tourist [use](#) is a logical expansion and is compatible with existing [uses](#) on the [site](#).
- (D) Include measures to protect or minimize adverse [impacts](#) on prime soils, [drainage](#), traffic generation, visual [impact](#), noise, and other relevant criteria, and to preserve the existing [rural character](#) of the area.
- (E) Include measures to ensure the protection of [critical areas](#), as provided in RCW 36.70A.060, [frequently flooded areas](#), and [surface water](#) and ground water resources including [sole source aquifers](#).
- (F) Include measures to ensure protection from conflicts with the [use](#) of agriculture, forest, and [mineral resource lands](#) of [long-term commercial significance](#) designated under RCW 36.70A.170.
- (G) Include measures to protect or mitigate adverse [impacts](#) on Rural Intermediate, [Urban Growth Areas](#), or [Rural Village](#) Residential-designated lands.
- (d) Approved [rezones](#) shall be shown on the official zoning map. (Ord. O20110007 Atch. 1 (part); Ord. O20090011 Atch. 2 (part); Ord. O20070009 (part); Ord. O20030023; Ord. 17938 Atch. F (part), 2000)

14.08.030 Initiation of review of amendments to the Comprehensive Plan.

- (1) All amendment petitions, unless exempted by this Chapter, are to be considered in a single annual docket so that the cumulative [impacts](#) of the proposed amendments can be reviewed.
- (2) The [Department](#) shall review all new petitions for [Comprehensive Plan](#) amendments, any petitions deferred from the docket of amendments for the previous year, together with any new amendments suggested

by the [Department](#), and shall forward a recommendation to the [Board](#) as to which of the petitions the [Department](#) recommends for inclusion in the current year's docket of amendments, requiring further consideration by the [County](#).

- (3) In making its docket recommendation the [Department](#) shall consider whether:
- (a) The proposed amendment, in light of all proposed amendments being considered for inclusion in the year's docket, can be reasonably reviewed within the staffing and operational budget allocated to the [Department](#) by the [Board](#);
 - (b) A proposed amendment, to be adopted, would not require additional amendments to the [Comprehensive Plan](#) or [development regulations](#) not addressed in the petitioner's [application](#), and is consistent with other goals, objectives and policies adopted by the [Board](#);
 - (c) A proposed amendment raises policy, land [use](#), or scheduling issues that would more appropriately be addressed as part of an ongoing or planned work program, or as part of a regular review cycle;
 - (d) Some legal or procedural flaw of the proposal would prevent its legal implementation; or
 - (e) The proposal lacks sufficient information and/or adequate detail to review and assess whether or not the proposal meets the applicable [Comprehensive Plan](#) designation criteria.
 - (i) A determination that the proposal contains sufficient information and adequate detail for the purpose of docketing does not preclude the [Department](#) from requesting additional information at any time necessary later in the process.
- (4) Following receipt of the [Department's](#) docket recommendation, the [Board](#) shall hold a [public hearing](#) to allow [applicants](#) and the general public to comment on the [Department's](#) recommendation. During its next available public meeting, the [Board](#) shall consider the [Department's](#) recommendation and public testimony and decide which petitions will be reviewed further as part of the annual docket.
- (a) A decision by the [Board](#) to include a particular proposed amendment as part of the current year's docket of amendments is procedural only and does not constitute a decision by the [Board](#) as to whether the amendment will ultimately be approved.
 - (b) A decision by the [Board](#) to deny further review of a particular petition terminates that petition without prejudice to the [applicant](#) or the proposal. The [applicant](#) may request a refund of the unused portion of any [application](#) fees, and may request the same, or similar amendment as part of a future amendment or review cycle.
- (5) Those petitions forwarded for further review shall be processed according to the remaining sections of this Chapter, including public review and comment and [Planning Commission](#) recommendation. Final action by the [Board](#) shall be taken to approve, approve with conditions, defer to a subsequent amendment cycle, or deny each petition. (Ord. O20090011 Attch. 2 (part); Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

14.08.040 Environmental review.

- (1) After the [Board](#) establishes the current year's docket of [Comprehensive Plan](#) amendments, the [County](#) shall complete environmental review of all of the proposed amendments, consistent with the requirements of Chapter 43.21C RCW and Chapter 14.12 [SCC](#), [SEPA](#). For any [site-specific Comprehensive Plan](#) amendments, the proponent of those amendments shall submit a complete environmental checklist to the [County](#). [SEPA](#) fees shall be in accordance with [SCC 14.12.270](#).
- (2) After receipt and review of the environmental checklist(s) for the proposed [Comprehensive Plan](#) amendments, the [Department](#) shall issue threshold determination(s) on the docket of amendments.
- (3) Any environmental review shall consolidate, as much as practical, [site-specific SEPA](#) review with review of the entire docket of proposed [Comprehensive Plan](#) amendments to ensure adequate consideration of cumulative effects of the proposed amendments.

(4) Amendment petitions that are carried over from a previous year's docket to the current docket do not require a new [SEPA](#) checklist and fee, and are not required to be considered in the same environmental document as other proposals in the same docket. However, the [Department](#) may require additional [SEPA](#) analysis to assess the cumulative [impacts](#) of the various proposals constituting a docket. (Ord. O20090011 Attch. 2 (part); Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

14.08.050 Adoption of community (subarea) plans, functional plans, and Shoreline Master Program amendments.

(1) Initial adoption of a subarea plan or a functional plan shall not be subject to the once-per-year batching requirements or decision of the [Board](#) to initiate review requirements described in [SCC 14.08.020](#) and [14.08.030](#), but shall be subject to the review procedures and requirements contained in the balance of this Chapter.

- (a) Periodically, Planning and [Development](#) Services shall request that the [Board](#) review and prioritize the list of remaining community plans.
- (b) The [development](#) of a community plan can either be initiated by the [Board](#) or by individual citizens or groups or a collaboration of the two.
- (c) A citizen advisory committee shall be formed and public outreach procedures designed, consistent with the [County's](#) public participation program, for each plan.
- (d) Community plans shall be consistent with the [Comprehensive Plan](#).
- (e) The [Board](#) shall have final review and approval authority for all community plans and any changes to the [County Comprehensive Plan](#) or [development regulations](#) shall be processed as a legislative action according to Chapter [14.08 SCC](#).

(2) A proposed amendment to the Skagit [County](#) Shoreline Master Program shall not be subject to the once-per-year batching requirements or decision of the [Board](#) to initiate review requirements described in [SCC 14.08.020](#) and [14.08.030](#). Shoreline Master Program amendments shall instead follow the process required in Chapter 173-19 WAC and Chapter 90.58 RCW. (Ord. O20090011 Attch. 2 (part); Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

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

New [development regulations](#) or amendments to [development regulations](#) may be initiated at any time by a recommendation from the [Department](#) to the [Board](#). After receipt of a recommendation from the [Department](#) on 1 or more proposed [development regulations](#) or amendments, the [Board](#) shall, in a public meeting, consider the [Department](#) recommendation on the proposed regulation(s) or amendment(s) and decide whether to initiate review of the proposed regulation(s) or amendment(s). If the [Board](#) decides to initiate review of the proposed regulation(s) or amendment(s), it shall refer the same to the [Planning Commission](#) for review, consistent with the provisions of [SCC 14.08.080](#) through [14.08.100](#). A decision by the [Board](#) to initiate the regulation(s) or amendment(s) review process at this stage is procedural only and does not constitute a decision by the [Board](#) as to whether the regulation or amendment will ultimately be approved. (Ord. O20090010 Attch. 1 (part); Ord. 17938 Attch. F (part), 2000)

14.08.070 Public participation requirements.

(1) This Section addresses the creation and roles of Citizen Advisory Committees (CACs) and Technical Advisory Committees (TACs), and provides for public notification requirements in addition to any such requirements otherwise required by this Chapter.

(2) Unless exempted by this Section, the [Board](#) shall establish 1 or more CACs or TACs, as appropriate, to participate and assist in the initial [development](#) of [Comprehensive Plan](#) elements, subarea plans and functional plans. The [Board](#) shall seek to have a variety of [interests](#) represented on such committees.

(3) A CAC or TAC may be initiated by 1 of the following methods:

- (a) The [Board](#) may establish one by resolution; or

(b) Any citizen may request the [Board](#) to consider calling for a new CAC or TAC relating to a GMA purpose. The [Board](#) will take public comment on the request. If the [Board](#) is convinced that a new CAC or TAC would be useful, the [Board](#) may authorize its formation by resolution.

(4) The BCC may establish a procedure for taking [applications](#) and selecting membership to the CAC or TAC, including establishing a term of service and a method of reappointment (if any) or [replacement](#) of members. The BCC may also establish by resolution rules of procedure and time frames for recommendations by a CAC or TAC.

(5) CACs and TACs shall follow the requirements of Chapter 42.30 RCW, Open Public Meetings [Act](#). All meetings of the CAC or TAC shall be open to the public and held at a [site](#) and times when the working public can attend. The CAC and TAC shall establish and publish a schedule of meeting [days](#), times and locations for main group and subcommittee meetings and shall keep minutes of committee and subcommittee meetings.

(6) A [County](#) staff [person](#) will be assigned to each CAC and TAC, and will provide staff support and maintain a copy of the record of such committee or subcommittee.

(7) Notwithstanding the procedure outlined in this Section, if the [Board](#) determines that time constraints imposed by orders from the Western Washington Growth Management Hearings [Board](#) or other legal requirements likely cannot be met if a CAC or TAC is established and utilized as provided in this Section, the [Board](#) need not honor a request to form the CAC or TAC, even if it would be useful to do so.

(8) The [Board](#) may forward a CAC or TAC recommendation to the [Planning Commission](#), or it may make suggested changes to such recommendation and either remand it to the CAC or TAC for further consideration, or forward the CAC or TAC recommendation to the [Planning Commission](#) with the [Board](#)'s suggested changes.

(9) Public Notification—General Legislative Proposals. Where public notice is otherwise required by this Chapter, information regarding any legislative proposal shall also be broadly disseminated to the public using 1 or more of the following methods as determined to be appropriate for the specific proposal by the [Administrative Official](#) or [Board](#):

(a) Publishing an additional paid public notice sufficient to inform the public of the nature of the proposal, the date and time of the [public hearing](#), the appropriate contact name and number, and the availability of relevant draft documents;

(b) Distributing a press release to the newspaper of general circulation, or radio station in the [County](#), [city](#), or general area where the proposal is located or that will be affected by the proposal;

(c) Notifying individuals or groups with known [interest](#) in the type of proposal being considered, or who have requested to be notified in relation to a specific legislative proposal. The [Department](#) may charge a subscription fee for the administration of mailing lists of [persons](#) or groups requesting to be notified in writing, when such notification has also been published in the newspaper of general circulation;

(d) Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and

(e) Publishing notice in agency newsletters or sending notice to agency mailing lists, including general lists or lists for specific proposals or subject areas.

(10) Public Notification—[Site](#)-Specific [Comprehensive Plan](#)/Zoning Map Amendments. Where public notice is otherwise required by this Chapter, for [site](#)-specific legislative proposals, such notice shall be mailed directly to the [owners](#) of the affected properties, and to all property [owners](#) within 300 feet of the [subject property](#).

(11) Public Participation. In addition to public notice as otherwise required by this Chapter, the public shall have the opportunity to participate in [County](#) legislative matters via [public hearing](#)(s), written comment, and other forums as appropriate. (Ord. O20090011 Attch. 2 (part); Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

14.08.080 Review by Planning Commission.

(1) Prior to [Planning Commission](#) review, the [Department](#) shall prepare a staff report on any proposed plans, amendments or [development regulations](#) summarizing the comments and recommendations of any Citizen

Advisory Committee or Technical Advisory Committee as provided in the Skagit [County](#) Growth Management [Act](#) Public Participation Program as amended, [County](#) departments, affected agencies and special [districts](#), and evaluating the proposed plan's, plan amendment's, or [development regulations](#)' consistency with adopted [County](#) plans and regulations. The staff report shall include findings, conclusions and proposed recommendations for disposition of the proposed plan, plan amendment or [development regulations](#). The staff report, together with proposed drafts of the plan, plan amendment or [development regulations](#), shall be available to the public a minimum of 15 calendar [days](#) before a [public hearing](#) on the proposed plan, plan amendment, or [development regulations](#).

- (2) Unless adopted as an interim ordinance under the provisions of RCW 36.70A.390, the Commission shall hold at least 1 [public hearing](#) on a proposed plan, plan amendment or [development regulation](#) at the beginning of its deliberations prior to forwarding a recommendation to the [Board](#) for action.
- (3) Notice of the [public hearing](#) shall indicate the time, place and purpose of the [public hearing](#), and shall be published in the official newspaper of the [County](#) at least 15 [days](#) prior to the hearing.
- (4) The Commission shall consider public comments and deliberate on the proposed plan, plan amendment or [development regulation](#). At the completion of its deliberations, the Commission shall vote to recommend adopting, not adopting or amending the proposed plan, plan amendments or [development regulation](#).
- (5) Commission recommendation to the [Board](#) on any plan, plan amendment or [development regulation](#) shall be by affirmative vote of not less than 5 members, a majority of the total membership of 9 members, of the Commission. Recommendations shall be by a recorded motion which shall incorporate the findings of fact of the Commission and the reasons for its recommendation, and the motion shall refer expressly to any maps, descriptive material and other matters intended by the Commission to constitute the recommendation. The indication of approval by the Commission shall be recorded on any map and descriptive material, as applicable, by the signatures of the chairperson and the secretary of the Commission.
- (6) All or any part of a plan, [development regulation](#) or amendment thereto shall be recommended for approval by the Commission only if it is consistent with the community vision statements, goals, objectives, and the policy directives of the [Comprehensive Plan](#) and the proposal preserves the integrity of the [Comprehensive Plan](#) and assures its systematic execution.
- (7) Any Commission recommendation on a proposed plan, regulation or amendment thereto shall include a discussion of whether the proposal is supported by [capital facility](#) and functional plans; whether the proposal is consistent with the requirements of the Growth Management [Act](#), (Chapter 36.70A RCW), the Countywide Planning Policies and other applicable provisions of the [Comprehensive Plan](#); and whether the proposal bears a substantial relationship to the public general health, safety, morals or welfare. For proposed [Comprehensive Plan](#) map changes, the Commission recommendation shall also include findings of fact and conclusions on whether the proposal is justified by changed or changing conditions; whether the proposal would create an isolated land [use](#) designation (spot [zone](#)) unrelated to adjacent designations; and whether the proposal will be compatible with neighboring properties and not adversely affect the value of those properties.
- (8) A copy of any plan, plan amendment or [development regulation](#) recommendation, together with the recorded motion shall be submitted to the [Board](#) not later than 14 [days](#) following the date the recorded motion is signed by the chairperson of the Commission, together with the statement of findings and conclusions.
- (9) Any report or recommendation from the Commission, whether on a proposal initiated by it, whether on a matter referred back to it by the [Board](#) for further report, or whether on a matter initiated by the [Board](#), shall be advisory only and the final determination shall rest with the [Board](#). (Ord. O20090011 Atch. 2 (part); Ord. 17938 Atch. F (part), 2000)

14.08.090 Review and decisions by Board.

- (1) Upon receipt of a recommendation on all or any part of a plan, plan amendment or [development regulation](#) from the [Planning Commission](#), the [Board](#) shall consider and take action on the recommendation at a public meeting.

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

- (a) Provided that the plan, plan amendment, or [development regulation](#) desired by the [Board](#) conforms substantially to the proposal as originally initiated and made available for public comment, the [Board](#) may take final action with no further process. For purposes of this Section, an additional opportunity for public comment is not required if:
 - (i) An environmental [impact](#) statement (EIS) has been prepared under Chapter 43.21C RCW for the pending resolution or ordinance and the proposed change is within the range of alternatives considered in the environmental [impact](#) statement;
 - (ii) The proposed change is within the scope of the alternatives available for public comment;
 - (iii) The proposed change only corrects typographical errors, corrects cross-references, makes address or name changes, or clarifies language of a proposed ordinance or resolution without changing its effect;
 - (iv) The proposed change is to a resolution or ordinance making a capital budget decision as provided in RCW 36.70A.120; or
 - (v) The proposed change is to a resolution or ordinance enacting a moratorium or interim control adopted under RCW 36.70A.390.

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

- (i) [Board](#) initiation of an additional written public comment period with [Board](#) review of public comments;
- (ii) [Board](#) initiation of 1 or more [public hearings](#);
- (iii) Remand of issue(s) to the [Department](#) or the [Planning Commission](#) for additional work, study, review, or refinement;
- (iv) Remand of issue(s) to the [Planning Commission](#) for an additional written public comment period;
- (v) Remand of issue(s) to the [Planning Commission](#) for additional [public hearing\(s\)](#) and recommendations.

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

(4) If the [Board](#) does not agree, either in whole or in part, with the recommendation of the [Planning Commission](#), or if the [Planning Commission](#) forwards an action without an official recommendation, on a proposed plan, plan amendment, or [development regulation](#), the [Board](#) shall proceed as follows:

- (a) Provided that the plan, plan amendment, or [development regulation](#) desired by the [Board](#) conforms to the proposal as initiated and made available for public comment, the [Board](#) may take final action with no further process.
- (b) In cases where the [Board](#) desires to retain the status quo and reject any or all changes in their entirety, the [Board](#) may take final action with no further process.

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

- (i) [Board](#) initiation of an additional written public comment period with [Board](#) review of public comments;
- (ii) [Board](#) initiation of 1 or more [public hearings](#);
- (iii) Remand of issue(s) to the [Department](#) or the [Planning Commission](#) for additional work, study, review, or refinement;
- (iv) Remand of issue(s) to the [Planning Commission](#) for an additional written public comment period;
- (v) Remand of issue(s) to the [Planning Commission](#) for additional [public hearing\(s\)](#) and recommendations.

(5) Final Disposition of Annual Docket. The [Board](#) must take action on the current year's docket before establishing a subsequent docket. The [Board](#)'s decision to either approve, deny, or defer action on plans or plan amendments terminates that year's docket. Initiation of any new docket(s) must be established as required in [SCC 14.08.030](#).

(6) The [Board](#) may defer action on any specific plan or plan amendment to a future docket if:

- (a) Additional time is needed to analyze the [impacts](#) of the proposal;
- (b) Delaying action on the proposal would unfairly delay action on other proposals that are otherwise ready for a decision;
- (c) Approval of the proposal depends on the implementation of other rules, standards or policies that either do not exist or are not official by the time the [Board](#) is ready to make its decision on the annual docket; or
- (d) The [Board](#) determines that the proposed plan or plan amendment is more appropriately considered during a subsequent amendment process. (Ord. O20110007 Attch. 1 (part); Ord. O20090011 Attch. 2 (part); Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

14.08.100 Emergency or interim regulations.

The provisions of RCW 36.70A.390 for emergency or interim maps or regulations or moratoria, if applicable, shall supersede the requirements of this Chapter. (Ord. 17938 Attch. F (part), 2000)

14.08.110 Appeal.

(1) Any action to review the [final decision](#) of the [Board](#) on a plan, plan amendment or [development regulation](#) that is subject to the jurisdiction of the Growth Management Hearings [Boards](#) shall be processed according to the law governing such challenges.

(2) If the decision of the [Board](#) is not subject to the jurisdiction of the Growth Management hearings [Board](#), [appeals](#) shall proceed according to the applicable RCW. (Ord. 17938 Attch. F (part), 2000)

This page of the Skagit County Code is current through Ordinance O20120006, passed July 30, 2012.

Disclaimer: The Clerk of the Board's Office has the official version of the Skagit County Code. Users should contact the Clerk of the Board's Office for ordinances passed subsequent to the ordinance cited above.

Please note: in the online version of the code, definitions that appear when you mouse over or click terms with dotted underline are provided only as a tool for quick reference and may not represent the intended interpretation or application of the definitions.

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