

Memorandum

To: Jack Moore, Director, Skagit County Planning & Development Services
From: Ryan Walters, JD, AICP
Date: January 6, 2025
Re: Proposed reorganization of county code to improve residential permitting

This memo describes the proposed reorganization of the county’s development code to improve its structure and facilitate residential permitting. The proposed reorganization is not a complete overhaul of the code but will make plain language edits where possible without substantial rewriting.

Objectives

Broadly, the objectives of the proposed code reorganization are to:

- streamline residential permitting requirements including by reducing the need for variances and streamlining the lot certification process;
- improve readability, usability, and administration of the code by improving the organization of code chapters;
- align terminology and improve plain language of the code;
- delete duplicative code language that could result in inconsistencies in interpretation or administration, and to improve maintainability of the code;
- integrate Administrative Official Interpretations (now known as Director Interpretations under revised SCC 14.06.130 adopted by ordinance O20240005); and
- minimize code renumbering where possible given the other objectives above.

Proposal

This code reorganization would be accomplished in one or more development regulation ordinances, plus potentially other resolutions or ordinances that make changes (e.g., recodification) that are not development regulations, to implement the draft reorganization shown in the table below.

Proposed draft revisions would be represented in the format we used last year for the permit procedures update, i.e., with changes tracked through in-line explanations and memos but not strike-through and underline. We will also provide a style guide memo to help ensure future code revisions use the same defined terms, follow the same patterns, and conform to organizing principles about what is to be included in Title 14.

Draft Schedule (subject to change)

January 6	Coordination with staff and other PDS consultants on code organization
January 14	PC work session to brief them on changes and solicit early feedback
April 6	Draft code reorganization revisions published
May 6	Public hearing
May 20	PC deliberations and recommendation
June	BOCC deliberation

DRAFT Proposed Reorganization of SCC Title 14

Chapter # and Title	Explanation
14.02 General Provisions	No change expected; this chapter was revised with Permit Procedures update.
14.04 Definitions	<input checked="" type="checkbox"/> Standardize usage of terms <input checked="" type="checkbox"/> Remove unused terms <input checked="" type="checkbox"/> Address definition of “family”
14.06 Permit Procedures	No change expected; comprehensively revised by Ordinance O20240005 .
14.08 Legislative Procedures	Title change. Kimley Horn/Makers will provide additional edits.
14.09 Enforcement Procedures	Recodify chapter 14.44.
Division 1 Zoning and Land Uses	
14.10 Lots of Record	Reorganize lot cert rules in 14.16.850, 14.18.000 and elsewhere into a single chapter.
14.12 Establishment of Zones	Comprehensively reorganize and revise existing chapter 14.16 into four chapters to:
14.14 Uses Allowed in Each Zone	<input checked="" type="checkbox"/> Organize allowed/special uses into tables. <input checked="" type="checkbox"/> Allow up to two ADUs (only one DADU to preserve rural character) per primary residence to help the county achieve its housing goals.
14.16 Dimensional Standards for Uses and Lots	<input checked="" type="checkbox"/> Rewrite setbacks and other dimensional to facilitate residential permitting on small lots without the need for a variance and to not require setbacks from easements other than recognized private roads on the County’s private roads list.
14.18 Development Standards for Uses	<input checked="" type="checkbox"/> Provide designated space in the code for standards and migrate existing standards here.
Division 2 Special Entitlements	
14.22 Special Use Permits	Recodify and rework existing development code re special use permits, largely from Chapter 14.16; substantive provisions would move into the new section on Development Standards.
14.24 Critical Areas	We plan to leave the existing 14.24 Critical Areas chapter in this location for now; slight edits for GMA compliance will be performed by other consultants during the 2025 Update and adopted by separate ordinance. The reorganization shown in Division 5 below will be part of a future code update package.
14.26 Development Agreements	<input checked="" type="checkbox"/> Recodify from SCC Chapter 14.14
14.28 Master Planned Resorts	<input checked="" type="checkbox"/> Recodify from SCC Chapter 14.20
14.40 Variances	<input checked="" type="checkbox"/> Recodify from SCC Chapter 14.10 and streamline so as to not require variances for residential permitting.

Chapter # and Title	Explanation
Division 3 Land Divisions and Boundaries	
14.30 General Provisions	Comprehensively reorganize and revise SCC Chapter 14.18 to split between chapters. <input checked="" type="checkbox"/> Incorporation of gross misdemeanor penalty for violations from RCW 58.17.300 <input checked="" type="checkbox"/> Delete 14.18.600 regarding condominiums, which are not regulated by local government
14.31 Preliminary Subdivisions	Migrate existing content from SCC Chapter 14.18. <input checked="" type="checkbox"/> Integrate URDP from SCC 14.16.910 to facilitate residential subdivision in UGAs
14.32 Final Approval	Migrate existing content from SCC Chapter 14.18
14.XX Cluster Subdivisions (CaRDs)	Migrate existing content from SCC Chapter 14.18
14.XX Unit Lot Subdivisions	New content to comply with RCW 58.17.060(3)
14.XX Binding Site Plans	Migrate existing content from SCC Chapter 14.18
14.38 Alteration and Vacation	Migrate existing content from SCC Chapter 14.18
14.39 Boundary Line Adjustments	Improve existing BLA code in SCC 14.18 and move to this chapter.
Division 4 Land Disturbing Activities	
14.40 Land Disturbance	Recodify existing SCC 14.22, but otherwise no significant change. This chapter is an important hook to implementation of critical areas regulations. <input checked="" type="checkbox"/> Add 5-year lookback
14.42 Stormwater	Recodify existing SCC 14.32, but otherwise no significant change.
14.48 Right-to-Manage Natural Resource Lands	Recodify SCC Chapter 14.38
Division 5 Critical Areas and Shorelines	
14.51 Critical Areas	The reorganization shown here for Division 5 will be part of a future code update package. Existing Chapter 14.24 will not be modified as part of this code reorganization but revisions for GMA compliance will be drafted by other consultants as part of the 2025 Comprehensive Plan update and adopted by separate ordinance. <input checked="" type="checkbox"/> This code reorganization will break the existing chapter into a general provisions chapter followed by a chapter for each type of critical area. This reorganization would allow for the aquifer recharge chapter to be administered by the Health Director. <input checked="" type="checkbox"/> Existing SCC 14.34 Flood Damage Prevention would be integrated into the FFA chapter to integrate all flood review and eliminate standalone flood permits.
14.52 Aquifer Recharge Areas	
14.53 Fish and Wildlife HCAs	
14.54 Frequently Flooded Areas	
14.55 Geohazard Areas	
14.56 Wetlands	
14.58 Shorelines	This chapter contains SMP regulations and is pending with ECY for approval. <input checked="" type="checkbox"/> Recodify as SCC 14.28 but otherwise no change.

Chapter # and Title	Explanation
Division 6 Public Facilities	
14.62 Concurrency	Recodify from SCC Chapter 14.28 <input checked="" type="checkbox"/> Consider amendments to reserve capacity in drainage districts
14.66 Public Works Standards	Recodify SCC Chapter 14.36 with no changes.
14.68 Impact Fees	Recodify SCC Chapter 14.30 with no changes except: <input checked="" type="checkbox"/> Retitle “Impact Fees” (because fewer words is better) <input checked="" type="checkbox"/> Create exemption for ADUs (50% required by RCW 36.70A.681)

Existing Chapter 14.40 Open Space Current Use Assessment Applications is not a development regulation subject to GMA, and makes no reference to any other section of Title 14; it would be recodified in Title 3 by separate ordinance.