



# Planning & Development Services

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## Memorandum

*Planning Commission March 20 Workshop*

To: Planning Commission  
From: Ryan Walters, Assistant Director  
Re: Permit Procedures Update  
Date: March 13, 2018

The Board of County Commissioners has directed the Department to propose changes to the permit application process that may remove the Board from its role in the permit process, including its appellate role, and has directed the Department to perform a complete rewrite of the Permit Procedures chapter (SCC Chapter 14.06) to simplify and clarify its many provisions.

### **Problems with and corrections to Chapter 14.06**

We have identified the following problems with Chapter 14.06 that need correction:

- Not all types of permits are listed in the chapter as one of the four levels of application types. Other chapters of code include repetitive text describing the application levels.
- Code is not entirely clear that building permits are level 1 applications.
- Level 1 applications are further divided into two types (those that don't require public notice, like building permits; and those that do require public notice) in a clunky fashion.
- Alteration of final plat, even for short plats (1-4 lots) is a Board-level application.
- Availability of appeals of SEPA threshold determinations or EIS adequacy are not described for all application types.
- Substantial repetition in the procedure text.

The Department intends the remainder of the Chapter 14.06 rewrite to focus on reorganizing and rewriting for clarity, with only a few substantive changes. Those substantive changes would include:

- Consolidation of "pre-application" and "pre-development" meetings.
- Making the Department, instead of the applicant, responsible for mailing public notices.
- Division of Level 1 applications that require public notice from Level 1 applications that do not require public notice.
- Addition of a single table that describes permit term lengths and extension opportunities.
- Adding a procedure for pre-application neighborhood meetings, to implement the Planning Commission's recommendation for shoreline habitat enhancement projects in its recorded motion on the Shoreline Master Program update.

The Department’s drafting goals, for making the permit process chapter easier to read and administer, are consistent with the federal Plain Language guidelines available at [www.plainlanguage.gov](http://www.plainlanguage.gov), including:

- Be concise.
- Organize information logically (generally, sequentially).
- Use useful headings.
- Use parallel construction.
- Use active voice.
- Write short paragraphs and sections.
- Avoid repetition; don’t say anything more than once.
- Use lists and tables.

### Proposed New Table of Contents

The following table compares the existing headings within Chapter 14.06 and our current thinking on a proposed new structure for the chapter:

#### Current Chapter 14.06

.010 Intent.  
 .020 Purpose.  
 .030 Foundation of project review.  
 .040 Administration and interpretation.  
 .045 Lot certification.  
 .050 Application level.  
 .060 Consolidation of ...permit applications.  
 .070 Integration of SEPA review ...  
 .080 Pre-development and pre-application review.  
 .090 Contents of application.  
 .100 Determination of completeness.  
 .105 Requests for additional information/expiration ...  
 .110 Level I review procedures.  
 .120 Level II review procedures.  
 .130 Level III review procedures.  
 .140 Level IV review procedures.  
 .150 Public notice requirements.  
 .160 Open record public hearings procedures.  
 .170 Closed record hearings/appeal procedures.  
 .180 Reconsideration.  
 .190 Joint hearings.  
 .200 Notice of decisions.  
 .210 Timing of decisions.  
 .220 Judicial appeals.  
 .230 Stay of proceedings

#### Proposed Revised Chapter 14.06

.010 Policy  
 .020 Applicability  
 .030 Types of Review  
 .040 Administration and interpretation.  
 .045 Lot certification  
 .050 Eligibility for permits.  
 .060 Consolidated review.  
 .070 Integration of SEPA review...  
 .090 Public notice requirements.  
 .100 Determination of completeness.  
 .110 Pre-application conference.  
 .120 Pre-application neighborhood meeting.  
 .130 Application—contents and completeness—revisions  
 .140 Application—notice.  
 .150 Application—Department review.  
 .160 Public hearings and meetings  
 .170 Public hearing—notice.  
 .180 Decision—timing.  
 .190 Decision—notice.  
 .210 Appeals.  
 .220 Remand.  
 .230 Reconsideration.  
 .240 Exhaustion of administrative remedies.  
 .250 Permit Revision.  
 .260 Permit Expiration.

## Proposed Disposition of Existing Sections

The next table describes in more detail how existing sections of the code would be modified:

| Section   | Title  | Proposal  |
|-----------|--|---|
| 14.06.010 | Intent.  | Retitle to "Policy." Move 030 here.   |
| 14.06.020 | Purpose.   | Retitle to "Applicability." Add clear statement of applicability and exemptions.  |
| 14.06.030 | Foundation of project review.                                  | Delete; move content to .010.   |
| 14.06.040 | Administration and interpretation.                             | Move (1) to Chapter 2. Delete (5), which repeats portions of SCC 14.06.045(8).  |
| 14.06.045 | Lot certification.   | No changes.   |
| 14.06.050 | Application level.   | Retitle to "Types of Review." Insert table describing application types.  |
| 14.06.060 | Consolidation of development permit applications.              | Possibly reword for clarity.  |
| 14.06.070 | Integration of SEPA review with development permit review.     | Move text describing SEPA appeal opportunities here.  |
| 14.06.080 | Pre-development and pre-application review.                    | Move to .110 and consolidate two types of meetings to single required meeting with possibility of waiver.   |
| 14.06.090 | Contents of application.                                       | Re-number and reword for clarity.   |
| 14.06.100 | Determination of completeness.                                 | Examine for opportunities to improve clarity.   |
| 14.06.105 | Requests for additional information/expiration of application. | Consolidate with .100   |
| 14.06.110 | Level I review procedures.                                     | Delete individual, repetitive process sections. Content will be covered by each section of code for each type and level of review (staff review, Hearing Examiner review, any remaining Board review, appeals). |
| 14.06.120 | Level II review procedures.                                    |   |
| 14.06.130 | Level III review procedures.                                   |   |
| 14.06.140 | Level IV review procedures.                                    |   |
| 14.06.150 | Public notice requirements.                                    | Move to .090 and rewrite to delete requirement for applicant to provide stamped envelopes and to allow Department to expand notification radius.  |
| 14.06.160 | Open record public hearings procedures.                        | Replace with new .160 "Public hearings and meetings."   |
| 14.06.170 | Closed record hearings/appeal procedures.                      | Replace with new .160 "Public hearings and meetings."   |
| 14.06.180 | Reconsideration.   | Move to .230.   |
| 14.06.190 | Joint hearings.  | Delete. Never used.   |
| 14.06.200 | Notice of decisions.   | Reorganize and reword for clarity.  |
| 14.06.210 | Timing of decisions.   | Move to .180 "Decision—timing."   |
| 14.06.220 | Judicial appeals.  | Reconstitute in an "Exhaustion of local administrative remedies" sections (not all appeals are judicial).   |
| 14.06.230 | Stay of proceedings.   | Incorporate into appeals section.   |

## Changes to Application Levels and Appeal Opportunities

The following table describes the existing levels of permit applications (which is an amalgamation from many sections of code), with proposed modifications in strikethrough and underline. This table would be integrated directly into the revised chapter to replace the existing incomplete lists of permit types. Final plat approval, would be described as a standalone process in the subdivision chapter.

| Types of Review                                | <del>Level 1 (no notice) Type 1</del><br>Administrative/Ministerial Decisions  | <del>Level 1 (with notice) Type 2</del><br>Administrative Decisions  | <del>Level 2 Type 3</del><br>Hearing Examiner Decisions   | <del>Level 3 Type 4</del><br>Board of County Commissioners Decisions  | <del>Level 4</del><br><del>BOCC Ministerial Decision</del>                         |
|--|--|--|---|---|--|
| <b>Types of Applications</b>                   | <ul style="list-style-type: none"> <li>▪ Administrative decisions</li> <li>▪ Boundary line adjustments</li> <li>▪ Building permits</li> <li>▪ Flood area development permit</li> <li>▪ Concurrency review</li> <li>▪ Lot Certification</li> <li>▪ Shoreline exemptions</li> <li>▪ Plat extension</li> <li>▪ Waiver of 6-year moratorium where no critical areas were impacted</li> </ul> | <ul style="list-style-type: none"> <li>▪ Administrative interpretations</li> <li>▪ Administrative Special Use Permits</li> <li>▪ Administrative Variances</li> <li>▪ Critical Areas Variances of &gt; 25% and ≤ 50% of standard buffer width</li> <li>▪ <u>Final plat approval</u></li> <li>▪ Lot Certification Reasonable Use Exception</li> <li>▪ <u>Minor permit revisions and plat alterations</u></li> <li>▪ Preliminary short subdivisions</li> <li>▪ Binding site plans of &lt; 9 lots, tracts, parcels, or units</li> <li>▪ Preliminary long subdivisions of &lt; 9 lots unless a public hearing is requested per 14.06.110(15)</li> <li>▪ SEPA threshold determinations</li> <li>▪ Stormwater Management Manual adjustments and exceptions</li> <li>▪ Vacation of final subdivision</li> <li>▪ Waiver of 6-year moratorium</li> </ul> | <ul style="list-style-type: none"> <li>▪ Critical Areas Variances of &gt; 50% of standard buffer width</li> <li>▪ Local essential public facilities (SCC 14.16.600)</li> <li>▪ Hearing Examiner Special Use Permits</li> <li>▪ Hearing Examiner URDP (SCC 14.16.910(2))</li> <li>▪ Hearing Examiner Variances</li> <li>▪ Binding site plans of between 9 and 50, tracts, parcels, or units</li> <li>▪ Preliminary long subdivisions of &lt; 9 lots where a public hearing is requested per 14.06.110(15)</li> <li>▪ Preliminary long subdivisions between 9 and 50 lots, tracts, or parcels on contiguous land of the same ownership</li> </ul> | <ul style="list-style-type: none"> <li>▪ <del>Alteration of final plat</del></li> <li>▪ BOCC Variances (ag siting criteria)</li> <li>▪ Site-specific rezones authorized by the comprehensive plan</li> <li>▪ Binding site plans of 50 or more lots, tracts, or parcels on contiguous land of the same ownership</li> <li>▪ Development agreements</li> <li>▪ Preliminary long subdivisions of <del>more than</del> <u>50 or more</u> lots, tracts, or parcels on contiguous land of the same ownership</li> <li>▪ Regional essential public facilities (SCC 14.16.600)</li> </ul> | <ul style="list-style-type: none"> <li>▪ <del>Final plat approval</del></li> </ul> |
| <b>Pre-Application Conference</b>              | No   | Yes, but can be waived   | Yes, but can be waived  | Yes, but can be waived  | Yes, but can be waived   |
| <b>Pre-Application Neighborhood Mtg</b>        | <u>No</u>  | <u>No</u>  | <u>No, except required for shoreline habitat enhancement projects</u>   | <u>No</u>   |  |
| <b>Notice of Application</b>                   | No   | Yes  | Yes   | Yes   | Yes  |
| <b>Comment Period</b>                          | None   | 15 days  | 15 days (30 for shoreline permits)  | 15 days   | Yes  |
| <b>Recommendation By</b>                       | None   | None   | Director  | Hearing Examiner  | None   |
| <b>Pre-Decision Open-Record Public Hearing</b> | No   | No   | Yes, before Hearing Examiner  | Yes, before Hearing Examiner  | No   |
| <b>Decision By</b>                             | Director   | Director   | Hearing Examiner  | Board of County Commissioners   | BOCC   |
| <b>Notice of Decision</b>                      | No   | Yes  | Yes   | Yes   | Yes  |
| <b>Local Appeal Available To</b>               | Hearing Examiner, <del>then BOCC</del>   | Hearing Examiner, <del>then BOCC</del>   | <del>BOCC</del> <u>None</u>   | None  | None   |
| <b>Appeal Hearing Type</b>                     | Open-record, <del>then Closed</del>  | Open-record, <del>then Closed</del>  | <del>Closed record</del> <u>N/A</u>   | N/A   | N/A  |

## **Process for Adoption**

The Department intends to meet with the Board in a public session, prior to public release of the proposal, to obtain clear and informed direction from the Board on how they want their role modified in the proposed code update.

The Department will then schedule at least one workshop with the Planning Commission to review draft code text before public release of the proposal.

The proposal will then follow the ordinary public process described in SCC Chapter 14.08 for adoption of code amendments, including SEPA review, a written comment period, public hearing before the Planning Commission, and Planning Commission review and recommendation. The Board of County Commissioners then makes the final decision on adoption, modification, or rejection of proposed code amendments.

The Department currently expects proposal release in June with final adoption near the end of 2018.