

Chapter 14.02

GENERAL PROVISIONS

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14.02.010 General provisions.

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:

- (1) Conserve Skagit County's resources;
- (2) Provide adequate open spaces for light, air, and reducing the hazards of fires;
- (3) Provide the economic and social advantages that result from orderly, planned use of land resources;
- (4) Facilitate energy conservation and the use of renewable energy resources;
- (5) Enhance the livability and quality of housing;
- (6) Provide for desirable, appropriately located living areas in a variety of dwelling types with a suitable range of population densities;
- (7) Provide for affordable housing;
- (8) Provide for the preservation of adequate space for commercial, industrial, and other activities necessary for a healthy and diversified economy;
- (9) Provide for the preservation of historically or archaeologically significant land resources;
- (10) Lessen congestion of streets;
- (11) Lessen reliance on the single-occupant automobile and increase opportunities for using high-occupancy vehicles and nonmotorized methods of travel for trips to work, shopping and other daily and recreational activities;
- (12) Enhance predictability regarding future development so that decisions can be made regarding future development;
- (13) Provide for judicious, efficient, timely, and reasonable administration respecting due process set forth in this Title and other applicable laws; and
- (14) Protect and promote the public health, safety and general welfare, with respect for private property and private property rights. (Ord. 17938 Attch. F (part), 2000)

14.02.020 Name.

This Title may be cited as either the Skagit County Unified Development Code (UDC) or SCC Title 14. (Ord. 17938 Attch. F (part), 2000)

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. (Ord. 17938 Attch. F (part), 2000)

14.02.040 Applicability.

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

Skagit County has adopted and will apply the following Mount Vernon codes: MVMC 3.36 – Impact Fees for School Facilities; MVMC 3.40 – Impact Fees for Public Streets, Roads, Parks, Open Space and Recreation Facilities and Fire Protection, including Attachment A, Fee Schedule. (Ord. O20050007 § 15; Ord. O20030011 (part); Ord. R20020180; Ord. 18486, 2001; Ord. 17938 Attch. F (part), 2000)

14.02.050 Vesting of applications.

- (1) An application for a development permit, to be processed under Chapter 14.06 SCC or the Skagit County Shoreline Management Master Program, Chapter 14.26 SCC, vests at such time as a complete application is filed with Planning and Development Services and all required permit fees are paid. An application is “complete” on the date a complete application is filed, as subsequently determined in the letter of completeness issued pursuant to SCC 14.06.100. An application vested under this Subsection is not subject to any laws or regulations which become effective after the date of vesting, except as provided below.
- (2) If a permit application vested under Subsection (1) of this Section is approved, and that permit approval contemplates 1 or more future uses or permits on the property that are subject to that permit approval, then:
 - (a) If the permit approval contains a detailed description of the uses, including a detailed site plan drawn to scale, specifying the location of all buildings and improvements to be constructed in conjunction with the use(s), and such site plan is consistent with all laws and regulations in effect at the time the original application vested, then all permit applications in connection with the future use(s) are vested to the laws and regulations in effect at the time of the vesting of the original permit application, and laws and regulations enacted after that vesting date shall not apply to the future use(s) or any permit applications filed in connection therewith;
 - (b) If the development approval does not describe in detail all future uses or does not contain a detailed site plan, drawn to scale, specifying the location of all buildings and improvements to be constructed in conjunction with the future use(s), then the future use(s) shall be subject to all later enacted laws and regulations in effect at the time of the vesting of any required application for permits in connection with the future use(s).

Subject to the provisions of Subsection (4) of this Section, it is the intention of this Subsection that, consistent with other Federal, State, and County regulatory requirements, an applicant be able to vest his future development rights to the level of detail the applicant chooses to show in the application documents.
- (3) Nothing herein shall be construed to restrict the County from imposing conditions on development permits pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, Chapter 197-11 WAC and Chapter 14.12 SCC, as long as such conditions do not change any of the requirements of the underlying code section pertinent to the particular development permit.
- (4) Nothing herein shall be construed to prevent the County from imposing new regulations necessary to protect the public health and safety, including, but not limited to, the requirements of the building, health, and fire codes, as now adopted or as subsequently amended.
- (5) Applications for rezones and Comprehensive Plan amendments to be processed under Chapter 14.08 SCC are not subject to the vesting rules in this Section. (Ord. 17938 Attch. F (part), 2000)

14.02.060 Fees.

Fees required of developers for the review of various permits related to this Title may be adopted by resolution of the Board. (Ord. 17938 Attch. F (part), 2000)

14.02.070 Office of Hearing Examiner.

- (1) Office Created. The office of the Hearing Examiner is hereby created. The term “Hearing Examiner” shall likewise include any pro tem Hearing Examiner. The Hearing Examiner shall interpret, review and implement regulations as provided in this Chapter.

- (2) Appointment and Term. The Board of County Commissioners shall appoint the Hearing Examiner to serve in said office for terms to be determined by the Board.
- (3) Removal from Office. The Hearing Examiner may be removed from office at any time by an affirmative vote of 2 of the County Commissioners.
- (4) Qualifications. The Hearing Examiner shall be appointed with regard to their qualifications for the duties of the office which shall include, but not be limited to, persons with appropriate educational experience such as in planning, public administration or law. Persons appointed to these positions should have at least 3 years' experience in land use planning or administration.
- (5) Duties of Pro Tem Hearing Examiner. The Pro Tem Hearing Examiner shall, in the event of absence or the inability of the Hearing Examiner to act, have all the duties and powers of the Hearing Examiner.
- (6) Conflict of Interest. The Hearing Examiner shall not conduct or participate in any hearing or decision in which the Hearing Examiner has a direct or indirect personal interest which might influence or appear to influence or interfere with the decision-making process. Any actual or potential conflict of interest shall be disclosed to the parties immediately upon discovery of such conflict.
- (7) Freedom from Improper Influence. No County official or any other person shall attempt to interfere with or improperly influence the Hearing Examiner in the performance of his or her duties.
- (8) Promulgation of Procedural Rules. The Hearing Examiner may, from time to time, adopt such procedural rules as are reasonably necessary to carry out the duties and responsibilities of the office, provided such rules shall not be in conflict with this Chapter, or any other relevant provisions of the Skagit County Code. Such rules shall not take effect until they have been reviewed and approved by the Board of County Commissioners. (Ord. O20070009 (part): Ord. 17938 Atch. F (part), 2000. Formerly 14.06.240)

14.02.080 Planning Commission.

- (1) The Skagit County Planning Commission, established by Ordinance 3078, consists of 9 members appointed by the Chairman of the Board of County Commissioners and approved by a majority of the Board. The term of office on the Planning Commission is 4 years. Any vacancies are to be filled from the same commissioner district as that of the vacating member.
- (2) Removal. After public hearing, any appointed member of the Planning Commission may be removed by the Chairman of the Board, with the approval of the Board, for inefficiency, neglect of duty, or malfeasance in office.
- (3) Organization. The Planning Commission shall elect a chairman and vice-chairman from among its members, shall appoint a secretary who need not be a member of the Commission, and shall adopt rules for transaction of business and shall keep a public record of transactions, findings and determinations.
- (4) Meetings. Not less than 1 regular meeting shall be held each month unless no matters are pending on the Commission calendar.
- (5) Powers and Duties. The Skagit County Zoning Ordinance hereby adopts by reference the powers and duties of the Planning Commission as expressed in the Planning Enabling Act, Chapter 36.70 RCW, as now exists or hereafter amended.
- (6) Promulgation of Procedural Rules. The Planning Commission may, from time to time, adopt such procedural rules as are reasonably necessary to carry out the duties and responsibilities of the Planning Commission, provided such rules shall not be in conflict with this Chapter, or any other relevant provisions of the Skagit County Code. Such rules shall not take effect until they have been reviewed and approved by the Board of County Commissioners. (Ord. O20070009 (part): Ord. 17938 Atch. F (part), 2000. Formerly 14.06.250)