

- 1 **14.06.040 Administration and Interpretation.**
2 (1) – (2) No change.
3 (3) Administrative Interpretations - Official.
4 (a) Generally. Administrative interpretations are decisions by the Administrative
5 Official as to the meaning, application, or intent of any of the provisions of SCC
6 Title 14. Administrative interpretations are also available for questions regarding
7 a map boundary or an alleged scriveners mapping error that does not involve
8 reconsideration or rebalancing of designation criteria. Procedural provisions and
9 statements of policy shall not be subject to this process. A decision by the
10 Administrative Official that the interpretation request is not subject to this process
11 shall be final, does not require a Notice of Decision, and not subject to appeal.
12 (b) No change.
13 (c) Process. Requests for administrative interpretation shall be written and shall
14 concisely identify the issue and desired interpretation. Notice of ~~d~~Decision on
15 interpretations shall be issued within ~~30~~45 days from the date of receipt, ~~and shall~~
16 ~~be sent to the party that initiated the request and published in the County's~~
17 ~~newspaper of record. Fees shall be set by resolution.~~
18 (d) No change.
19 (4) No change.

1 **14.06.045 Lot certification.**

2 (1) No change.

3 (2) Pursuant to SCC 14.06.090(1)(b), a lot certification shall be required prior to or as a
4 part of any of the following development permit applications: land divisions, boundary line
5 adjustments, binding site plans pursuant to SCC 14.18.500, individual Comprehensive Plan Map
6 amendments, new on-site sewage systems pursuant to SCC 12.05.090, building permits for new
7 residential, commercial, industrial or institutional structures or structures accessory thereto,
8 special use permits, variance permits, administrative decisions of reduction of setbacks pursuant
9 to SCC 14.16.810(4), or any permits seeking to qualify under the vesting sections of SCC
10 14.02.050.

11 (3) - (8) No change.

1 **14.06.050 Application level.**

2 (1) Applications for development permits shall be categorized as 1 of 4 levels as
3 follows, provided that shoreline ~~applications permits under the Skagit County~~
4 ~~Shoreline Management Master Program~~ shall be processed as described in the
5 Skagit County Shoreline Management Master Program ~~that Program~~:

6 (a) Level I. Level I applications are those applications for which a final decision is
7 made by the applicable Administrative Staff, either the Director of Public Works
8 or his/her designee, or the Director of the Planning and Permit Center, or his/her
9 designee without a public hearing. That decision may then be appealed in an open
10 record appeal hearing to the Hearing Examiner. The Hearing Examiner decision
11 may then be appealed in a closed record appeal to the Board. Level I applications
12 include:

13 (i) – (xiii) No change.

14 (xiv) Forest Practice Act Waivers for Single Family Residential development.

15 (xv) Other actions authorized by SCC Title 14.

16 (b) Level II. Level II applications are those applications that require an open
17 record predecision hearing level before the Hearing Examiner and for which the
18 Hearing Examiner decision is final, unless that decision is appealed to the Board
19 in a closed record appeal. Level II applications include:

20 (i) No change.

21 (ii) Hearing Examiner special use permits.

22 (iii) Forest Practice Act Waivers for other than single family residential
23 development.

24 (iv) – (v) No change.

25 (vi) Review of preliminary long subdivisions which contain between 9 and 50
26 lots,

27 tracts or parcels on contiguous land under the same ownership pursuant to
28 Chapter 14.18 SCC.

29 (vii) Review of binding site plans that contain between 9 and 50 lots, tracts,
30 parcels

31 or units on contiguous land under the same ownership pursuant to Chapter 14.18
32 SCC.

33 (viii) Recommendations on development agreements involving 50 or less lots or
34 residential dwelling units or 50,000 square feet or less of commercial or industrial
35 building space.

36 (c) Level III. Level III applications are those applications that require an open
37 record pre-decision hearing before the Hearing Examiner (“Level III-HE”) or
38 before the Planning Commission (“Level III-PC”), and for which the Hearing
39 Examiner or Planning Commission action is only a recommendation. ~~to~~ ‡The
40 Board of County Commissioners shall make the final decision after a closed
41 record hearing on the Level III-HE actions. The Hearing Examiner shall make the
42 final decision after a closed record hearing on Level III-PC actions.

43 (i) Level III-HE.

44 (A) ~~Review of preliminary long subdivisions which contain between 9 and 50~~
45 ~~lots,~~

46 ~~tracts or parcels on contiguous land under the same ownership pursuant to~~
47 ~~Chapter 14.18 SCC.~~
48 ~~(B) Review of binding site plans that contain between 9 and 50 lots, tracts, parcels~~
49 ~~or units on contiguous land under the same ownership pursuant to Chapter 14.18~~
50 ~~SCC.~~
51 ~~(C) Recommendations on development agreements involving 50 or less lots or~~
52 ~~residential dwelling units or 50,000 square feet or less of commercial or industrial~~
53 ~~building space.~~
54 ~~(D)~~ (A) Board of County Commissioners variances pursuant to SCC 14.10.020(2)
55 and 14.16.860, Agricultural land preservation.
56 ~~(E)~~ (B) Other recommendations as requested by the Board.
57 (ii) Level III-PC.
58 (A) – (C) No change.
59 (D) Other recommendations as requested by the Hearing Examiner Board.
60 (d) Level IV. Level IV applications are those development permit applications
61 that do not require a public hearing, but require a final decision by the Hearing
62 Examiner Board. Level IV applications include: final long subdivisions pursuant
63 to Chapter 14.18 SCC.

1 **14.06.150 Public notice requirements.**

2 (1) For all public notices that require mailing to property owners ~~or occupants~~, the
3 Applicant shall use the records of the Skagit County Assessor's Office for
4 determining all of the owner(s) of record within 300 feet of the ~~proposal~~ all subject
5 property lines or as otherwise required in subsection (2)(d)(iii) below. ~~The~~
6 ~~information provided shall be updated within 3 months of the date public notice is~~
7 ~~required.~~ The Applicant shall provide the Department with a mailing list including the
8 names and addresses of all applicable property owners as well as corresponding
9 preaddressed and stamped envelopes to all of the property owners, and the
10 Department shall mail the notice. This submittal shall be completed by the Applicant
11 within the time frames for notice specified in this Section. The information provided
12 shall be updated within 3 months of the date public notice is required. ~~The County~~
13 ~~shall provide a format, both in timeframe and content, for the public notice to the~~
14 ~~Applicant.~~ Failure to submit the required material could result in continuation of any
15 scheduled hearing or decision. The County shall provide a format, both in timeframe
16 and content, for the public notice to the Applicant.

17 (2) Notice of Development Application Requirements.

18 (a) Exemption. A Notice of Development Application pursuant to this Section shall
19 not be required for:

20 (i) – (iii) No change.

21 (iv) Forest Practice Act Waivers for Single Family Residential development
22 where the initial critical area review and site visit concludes that no critical areas
23 have been impacted, or do not exist.

24 (v) Forest Practice Conversions.

25 (vi) Conversion Option Harvest Plans.

26 (b) – (c) No change.

27 (d) Notice of development application shall be made as follows:

28 (i) – (ii) No change.

29 (iii) Mailed to all owners of record ~~and occupants~~ located within 300 feet of all
30 subject property lines ~~the boundary of the development permit~~, or, if the applicant
31 owns property adjacent to the subject property ~~boundary of the development~~
32 ~~permit~~, notice shall be given to owners ~~and occupants~~ of real property within 300
33 feet of any portion of the boundaries of such adjacent properties owned by the
34 applicant. Further provided, however, when the Administrative Official finds that
35 a need exists, and so informs the applicant at the preapplication meeting, notice
36 shall be given to owners ~~and occupants~~ of real property within 500 feet of any
37 portion of the applicable boundaries.

1 **14.06.160 Open record public hearings procedures.**

2 (1) – (6) No change.

3 (7) Open Record Hearing Procedures. Open Record Public Hearings shall be conducted
4 in accordance with the hearing body’s rules of procedure as set forth below and shall
5 serve to create or supplement an evidentiary record upon which the body will base its
6 decision. ~~The Chair or Hearing Examiner shall open the public hearing and, in general,~~
7 ~~observe the following sequence of events:~~

8 (a) Pre-decision hearings. The Chair or Hearing Examiner shall open the public
9 hearing and, in general, observe the following sequence of events:

10 (i)(a) Staff representation, including submittal of any administrative staff reports.

11 Members of the hearing body may ask questions of the staff.

12 (ii)(b) Applicant presentation, including submittal of any materials. Members of the
13 hearing body may ask questions of the Applicant.

14 (iii)(c) Testimony or comments by the public germane to the matter. Questions
15 directed to the staff or Applicant shall be posed by the Chair or Hearing Examiner at
16 its discretion.

17 (iv)(d) An opportunity for parties to cross-examine expert witnesses, if any.

18 (v)(e) Rebuttal response or clarifying statements by the staff and the Applicant.

19 (vi)(f) The oral portion of the public hearing shall be closed.

20 (vii)(g) The hearing body may continue the written comment period after the close of
21 the public hearing.

22 (viii)(h) The hearing body shall deliberate on the matter before it.

23 (b) Appeal hearings. The Chair or Hearing Examiner shall open the public hearing
24 and, in general, observe the following sequence of events:

25 (i) Opening statements.

26 (ii) Appellant(s) presentation, including submittal of exhibits and calling of witnesses.

27 (iii) Staff presentation, including submittal of exhibits and calling of witnesses.

28 (iv) Other Respondents presentation, including submittal of exhibits and calling of
29 witnesses.

30 (v) Questions directed to witnesses shall be posed by the Chair or Hearing Examiner
31 at its discretion.

32 (vi) An opportunity for parties to cross-examine all witnesses.

33 (vii) Rebuttal testimony by Appellant(s), staff and any other Respondents;

34 (viii) Closing arguments;

35 (ix) The oral portion of the public hearing shall be closed.

36 (x) The hearing body may continue the written comment period after the close of
37 the public hearing.

38 (xi) The hearing body shall deliberate on the matter before it.

39 (8) – (9) No change.

1 **14.06.240 — Office of Hearing Examiner.**

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

5 (2) ~~Appointment and Term. The Board of County Commissioners shall appoint the Hearing~~
6 ~~Examiner to serve in said office for terms to be determined by the Board.~~

7 (3) ~~Removal from Office. The Hearing Examiner may be removed from office at any time~~
8 ~~by an affirmative vote of 2 of the County Commissioners.~~

9 (4) ~~Qualifications. The Hearing Examiner shall be appointed with regard to their~~
10 ~~qualifications for the duties of the office which shall include, but not be limited to, persons with~~
11 ~~appropriate educational experience such as in planning, public administration or law. Persons~~
12 ~~appointed to these positions should have at least 3 years’ experience in land use planning or~~
13 ~~administration.~~

14 (5) ~~Duties of Pro Tem Hearing Examiner. The Pro Tem Hearing Examiner shall, in the~~
15 ~~event of absence or the inability of the Hearing Examiner to act, have all the duties and powers~~
16 ~~of the Hearing Examiner.~~

17 (6) ~~Conflict of Interest. The Hearing Examiner shall not conduct or participate in any~~
18 ~~hearing or decision in which the Hearing Examiner has a direct or indirect personal interest~~
19 ~~which might influence or appear to influence or interfere with the decision-making process. Any~~
20 ~~actual or potential conflict of interest shall be disclosed to the parties immediately upon~~
21 ~~discovery of such conflict.~~

22 (7) ~~Freedom From Improper Influence. No County official or any other person shall~~
23 ~~attempt to interfere with, or improperly influence the Hearing Examiner in the performance of~~
24 ~~his or her duties.~~

25 (8) ~~Promulgation of Procedural Rules. The Hearing Examiner may, from time to time,~~
26 ~~adopt such procedural rules as are reasonably necessary to carry out the duties and~~
27 ~~responsibilities of the office, provided such rules shall not be in conflict with this Chapter, or any~~
28 ~~other relevant provisions of the Skagit County Code. Such rules shall not take effect until they~~
29 ~~have been reviewed and approved by the Board of County Commissioners. (Ord. 17938 Atch. F~~
30 ~~(part), 2000)~~

1 **14.06.250 — Planning Commission.**

2 (1) ~~The Skagit County Planning Commission, established by Ordinance 3078,~~
3 ~~consists of 9 members appointed by the Chairman of the Board of County~~
4 ~~Commissioners and approved by a majority of the Board. The term of office on the~~
5 ~~Planning Commission is 4 years. Any vacancies are to be filled from the same~~
6 ~~commissioner district as that of the vacating member.~~

7 (2) ~~Removal. After public hearing, any appointed member of the Planning~~
8 ~~Commission may be removed by the Chairman of the Board, with the approval of the~~
9 ~~Board, for inefficiency, neglect of duty, or malfeasance in office.~~

10 (3) ~~Organization. The Planning Commission shall elect a chairman and vice-~~
11 ~~chairman from among its members, shall appoint a secretary who need not be a member~~
12 ~~of the Commission, and shall adopt rules for transaction of business and shall keep a~~
13 ~~public record of transactions, findings and determinations.~~

14 (4) ~~Meetings. Not less than 1 regular meeting shall be held each month unless no~~
15 ~~matters are pending on the Commission calendar.~~

16 (5) ~~Powers and Duties. The Skagit County Zoning Ordinance hereby adopts by~~
17 ~~reference the powers and duties of the Planning Commission as expressed in the Planning~~
18 ~~Enabling Act, Chapter 36.70 RCW, as now exists or hereafter amended.~~

19 (6) ~~Promulgation of Procedural Rules. The Planning Commission may, from time~~
20 ~~to time, adopt such procedural rules as are reasonably necessary to carry out the duties~~
21 ~~and responsibilities of the Planning Commission, provided such rules shall not be in~~
22 ~~conflict with this Chapter, or any other relevant provisions of the Skagit County Code.~~
23 ~~Such rules shall not take effect until they have been reviewed and approved by the Board~~
24 ~~of County Commissioners. (Ord. 17938 Atch. F (part), 2000)~~