

1 **14.08.020 Petition for a**~~Amendments to the Comprehensive Plan/~~**Rezones.**

2 (1) Comprehensive Plan amendments consist of two types: policy amendments and map  
3 amendments. ~~Any necessary r~~Rezones shall be processed in conjunction with map  
4 amendments with the exception of rezones of those lands located within an urban growth  
5 area.

6 (2) Comprehensive Plan policy amendments or map amendments may be initiated by the  
7 County or by other entities, organizations, or individuals through petitions filed with the  
8 County Department by the following dates:

9 (a) On or before the last business day ~~in~~ of July of each year, except when the  
10 proposal is to modify a municipal urban growth area boundary; or

11 (b) ~~When a~~ Other than minor amendments such as technical corrections,  
12 Comprehensive Plan/Zoning Map amendments is proposing to modify an municipal  
13 urban growth area boundary shall only be considered in the year immediately following  
14 the County's completion of each 7 year Growth Management Act update. , then the  
15 Urban growth area amendment applications/petitions must be submitted to the relevant  
16 municipality's planning department for the municipality's review Department by the last  
17 business day of March in any eligible year. The Department shall ~~municipality must~~  
18 forward a copy of the amendment application petition to the relevant municipality for  
19 their review. The municipality must respond in writing to the Department, by the last  
20 business day of July, with a recommendation for modification, approval, or denial, to the  
21 County by the last business day of July. Such a recommendation must include appropriate  
22 findings of fact and conclusions in support of the recommendation, and in particular, how  
23 the recommendation conforms to the criteria set forth in (5)(b) below. All of the  
24 remaining requirements of this section continue to apply to these applications.

25 (3) All proposed amendments to the Comprehensive Plan shall be considered on an  
26 annual basis (no more frequently than once per year), according to the schedule provided  
27 in this Chapter so that the cumulative effect of all proposed amendments may be  
28 considered; provided, however, the County may adopt amendments more frequently than  
29 once per year if the proposal is the initial adoption of subarea plan or functional plan, if  
30 the amendment is to the County's Shoreline Master Program under the procedures set  
31 forth in Chapter 90.58 RCW, if the amendment is to the capital facilities element that  
32 occurs concurrently with the adoption or amendment of the County budget, if a declared  
33 emergency exists, or in response to a ~~a~~ court order or an order of the Growth Management  
34 Hearings Board. An emergency amendment may only be adopted if the Board finds that  
35 the amendment is necessary to address an immediate situation of Federal, State, subarea,  
36 or Countywide concern as opposed to a personal emergency on the part of the applicant  
37 or property owner and the situation cannot adequately be addressed by waiting until the  
38 annual Comprehensive Plan amendment process.

39 (4) No change.

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

42 (a) - (b) No change.

43 (c) Any proposed rural areas and natural resource land map designation changes  
44 shall be supported by and dependeant on population forecasts and allocated non-urban  
45 population distributions, existing rural area and natural resource land densities and infill  
46 opportunities.

47 (d) Any proposed natural resource land map designation changes shall recognize  
48 that natural resource land designations were intended to be long-term designations and  
49 shall further be dependent on one or more of the following:

50 (i) - (iv) No change.

51 (v) Providing an overriding benefit to the Agricultural industry.

52 (6) Rezones.

53 (a) All rezones shall be processed in conjunction with Comprehensive Plan  
54 amendments with the exception of rezones those lands located within an Urban Growth  
55 Area. The procedures for application, notice, etc., shall follow those for the  
56 Comprehensive Plan amendments in section (2) above.

57 (b) Petitions for rezones shall include at a minimum, all of the requirements for a  
58 policy and map amendments, plus the following additions:

59 (i) A detailed development proposal that is consistent with the applicable  
60 designation criteria; and

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

63 (c) Approval Criteria for Rezones.

64 (i) The property can meet the detailed standards in Chapter 14.16 SCC applicable  
65 to the proposed zone.

66 (ii) For rezones from a commercial zone to RI, RVR, and RRv, all vacant lots  
67 within the proposed rezones shall be consolidated.

68 (iii) All Comprehensive Plan amendments/rezones to a commercial or industrial  
69 zone shall require a development project be commenced for the entire  
70 redesignated/rezoned area within 2 years of the redesignation/rezone, unless development  
71 is phased. For the purposes of this Section, "commenced" shall mean either 1) a  
72 commercial or industrial operation permitted by the redesignation/rezone has been  
73 established or 2) a complete building permit has been filed with the Planning and Permit  
74 Center for the principal building which will allow the commercial or industrial operation.  
75 Upon building permit approval, the principal building shall be completed (i.e., final  
76 inspections completed) within 3 years. Those portions of the redesignated/rezoned  
77 property which are not included within the development area and where the above  
78 timeframes are not met shall automatically revert to the original designation and zoning,  
79 unless a phasing plan is approved pursuant to Subsections (c)(iii)(A) and (B) of this  
80 Section. For purposes of this Subsection, "development area" shall mean all portions of  
81 the site needed to meet UDC requirements, such as lot coverage and setbacks.

82 (A) If an applicant desires to phase development of a commercial or industrial  
83 rezoned property, a phasing plan shall be submitted and reviewed as part of the  
84 Comprehensive Plan amendment/rezone application. When an amendment/rezone  
85 includes a phasing plan, the initial phase shall be commenced and completed within the  
86 timeframes articulated above. Subsequent phases shall be commenced and/or constructed  
87 within the timeframes established in the phasing plan, or within a 6-year period.  
88 Otherwise, the commercial designation/zoning shall expire and the  
89 redesignation/rezoning shall revert to its previous designation for those portions of the  
90 property where these requirements are not met.

91 (B) Where a redesignation/rezone did not initially include a phasing plan, but prior  
92 to the automatic designation/zone reversion an applicant desires the phasing of the

93 operation, a phasing plan may be submitted to the County for consideration. This plan  
94 shall be reviewed through a Level II review process and be reviewed for compliance with  
95 the rezone criteria.

96 (C) The time limits established above shall be tolled pending resolution of any  
97 appeals, and may be extended by the Board of County Commissioners upon a showing  
98 that the applicant is diligently taking actions to obtain necessary permits and approvals to  
99 establish the use.

100 (d) Approved rezones shall be shown on the official zoning map.

101 (7)(6)The petition for a Comprehensive Plan policy or map amendment and/or rezone  
102 shall be on forms provided by the Department and shall contain suggested amendatory  
103 language, where appropriate. If the proposed amendment is a site-specific amendment  
104 that applies to a specific number of parcels which are in readily identifiable ownership  
105 and is in conjunction with an identifiable development proposal, then the petitioner shall  
106 pay a fee with the petition as prescribed by the approved fee schedule as now or hereafter  
107 amended. (Ord. O20030023: Ord. 17938 Attch. F (part), 2000)

1 **14.08.030 Initiation of Review of Amendments to the Comprehensive Plan.**

2 (1) All amendment petitions, unless exempted by this Chapter, are to be considered in  
3 a single annual docket so that the cumulative impacts of the proposed  
4 amendments can be reviewed.

5 (2) ~~(1)~~ Within 45 days from the last business day of July of each year, the Department  
6 shall review all ~~new~~ ~~of the~~ petitions for Comprehensive Plan amendments, ~~any~~  
7 petitions deferred from the docket of amendments for ~~submitted in~~ the previous  
8 year, together with any ~~proposed~~ ~~new~~ amendments suggested by the Department,  
9 and shall forward a recommendation to the Board as to which of the ~~petitions~~  
10 ~~submitted amendments~~ the Department recommends for inclusion in the current  
11 year's docket of amendments, requiring further consideration by the County.

12 (3) In making its docket recommendation the Department shall consider whether:

13 (a) The proposed amendment, in light of all proposed amendments being  
14 considered for inclusion in the year's docket, can be reasonably reviewed within  
15 the staffing and operational budget allocated to the Department by the Board;

16 (b) A proposed amendment, to be adopted, would not require additional  
17 amendments to the Comprehensive Plan or development regulations not  
18 addressed in the petitioner's application, and is consistent with other goals,  
19 objectives and policies adopted by the Board;

20 (c) A proposed amendment raises policy, land-use, or scheduling issues that  
21 would more appropriately be addressed as part of an ongoing or planned work  
22 program, or as part of a regular review cycle; or

23 (d) Some legal or procedural flaw of the proposal would prevent its legal  
24 implementation.

25 (4) ~~(2)~~ Within ~~30~~45 days of receipt of the Department's docket recommendation on  
26 the package of ~~proposed amendments~~, the Board shall hold, in a public hearing to  
27 allow applicants and the general public to comment on the Department's  
28 recommendation. During its next available public meeting, the Board shall  
29 consider the Department's recommendation and public testimony ~~on each~~  
30 ~~proposed amendment~~ and decide which petitions will be reviewed further as part  
31 of the annual docket. ~~whether to initiate plan amendment review of each of the~~  
32 proposed amendments.

33 (a) A decision by the Board to ~~initiate the plan amendment review process for~~  
34 ~~a particular proposed amendment at this stage~~ include a particular proposed  
35 amendment as part of the current year's docket of amendments is procedural only  
36 and does not constitute a decision by the Board as to whether the amendment will  
37 ultimately be approved.

38 (b) A decision by the Board to deny further review of a particular petition  
39 terminates that petition without prejudice to the applicant or the proposal. The  
40 applicant may request a refund of the unused portion of any application fees, and  
41 may request the same, or similar amendment as part of a future amendment or  
42 review cycle.

43 (5) Those petitions forwarded for further review shall be processed according to the  
44 remaining sections of this chapter, including public review and comment and  
45 Planning Commission recommendation. Final action by the Board shall be taken

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to approve, approve with conditions or deny each petition. (Ord. 17938 Attch. F  
(part), 2000)

1 **14.08.040 Environmental Review.**

- 2 (1) After ~~the a~~ Board establishes the current year's docket of ~~decision to proceed with~~  
3 ~~further review of proposed~~ Comprehensive Plan amendments, the County shall  
4 complete environmental review of all of the proposed amendments, consistent with  
5 the requirements of RCW 43.21C and SCC 14.12 (SEPA). For any site-specific  
6 Comprehensive Plan amendments, the proponent of those amendments shall submit a  
7 complete environmental checklist to the County within 20 days of the Board's  
8 decision to consider the proposed site-specific amendment.
- 9 (2) Within 15 days from receipt of the environmental checklist(s) for the proposed  
10 Comprehensive Plan amendments, the Department shall issue a threshold  
11 determination on the ~~docket package~~ of amendments. If necessary, a Draft  
12 Environmental Impact Statement (DEIS) should be published no later than the first  
13 business day of ~~April~~ May of the year following the submitted petition.
- 14 (3) Any environmental review shall consolidate, as much as practical, site-specific SEPA  
15 review with review of the entire ~~docket package~~ of proposed Comprehensive Plan  
16 amendments to ensure adequate consideration of cumulative effects of the proposed  
17 amendments. ~~Costs for SEPA review related to individual site-specific amendments~~  
18 ~~may be charged to the individual Applicant as part of a major development fee. SEPA~~  
19 ~~fees shall be in accordance with SCC 14.12.270.~~
- 20 (4) Amendment petitions that are carried over from a previous year's docket to the  
21 current docket do not require a new SEPA checklist and fee, and are not required to  
22 be considered in the same environmental document as other proposals in the same  
23 docket. However, the Department may require additional SEPA analysis to assess the  
24 cumulative impacts of the various proposals constituting a docket. (Ord. 17938 Attch.  
25 F (part), 2000)

1 **14.08.050 Adoption of community (subarea) plans, functional plans, and**  
2 **Shoreline Master Program amendments and review of open space current use**  
3 **applications.**

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

8 (a) Once each year, Planning and Development Services shall request that the  
9 Board review and prioritize the list of remaining community plans.

10 (b) The development of a community plan can either be initiated by the Board or by  
11 individual citizens or groups or a collaboration of the two.

12 (c) A citizen advisory committee shall be formed and public outreach procedures  
13 designed, consistent with the County's public participation program, for each  
14 plan.

15 (d) Community plans shall be consistent with the Comprehensive Plan.

16 (e) The Board shall have final review and approval authority for all community  
17 plans and any changes to the County Compresive Plan or development  
18 regulations shall be processed as a legislative action according to SCC 14.08.

19 (2) - (3) No change.

1 **14.08.070 Public Participation Requirements.**

2 ~~The review of all proposed subarea plans, functional plans, development regulations and~~  
3 ~~Comprehensive Plan amendments, including, but not limited to, the roles of Citizen~~  
4 ~~Advisory Committees and Technical Advisory Committees and the minimum~~  
5 ~~requirements for public comment shall be processed according to the provisions of the~~  
6 ~~Skagit County Growth Management Act Public Participation Program, adopted by~~  
7 ~~Resolution No. 16852, as may hereafter be amended.~~

- 8 (1) This section addresses the creation and roles of Citizen Advisory Committees  
9 (CACs) and Technical Advisory Committees (TACs), and provides for public  
10 notification requirements in addition to any such requirements otherwise required  
11 by this Chapter.
- 12 (2) Unless exempted by this section, the Board shall establish one or more CACs or  
13 TACs, as appropriate, to participate and assist in the initial development of  
14 Comprehensive Plan Elements, sub-area plans and functional plans. The Board  
15 shall seek to have a variety of interests represented on such committees.
- 16 (3) A CAC or TAC may be initiated by one of the following methods:
- 17 (a) The Board may establish one by resolution; or
- 18 (b) Any citizen may request the BCC to consider calling for a new CAC  
19 or TAC relating to a GMA purpose. The BCC will take public  
20 comment on the request. If the BCC is convinced that a new CAC or  
21 TAC would be useful, the BCC may authorize its formation by  
22 resolution.
- 23 (4) The BCC may establish a procedure for taking applications and selecting  
24 membership to the CAC or TAC, including establishing a term of service  
25 and a method of reappointment (if any) or replacement of members. The  
26 BCC may also establish by resolution rules of procedure, and time frames  
27 for recommendations by a CAC or TAC.
- 28 (5) CACs and TACs shall follow the requirements of RCW 42.30 Open Public  
29 Meetings Act. All meetings of the CAC or TAC shall be open to the public  
30 and held at a site and times when the working public can attend. The CAC  
31 and TAC shall establish and publish a schedule of meeting days, times and  
32 locations for main group and subcommittee meetings and shall keep minutes  
33 of committee and subcommittee meetings.
- 34 (6) A Skagit County Planning and Permit Center or other staff person will be  
35 assigned to each CAC and TAC, and will provide staff support and maintain  
36 a copy of the minutes of such committee or subcommittee meeting on file at  
37 the Skagit County Planning and Permit Center.
- 38 (7) Notwithstanding the procedure outlined in this section, if the Board  
39 determines that time constraints imposed by orders from the Western  
40 Washington Growth Management Hearings Board or other legal  
41 requirements likely cannot be met if a CAC or TAC is established and  
42 utilized as provided in this section, the Board need not honor a request to  
43 form the CAC or TAC, even if it would be useful to do so.
- 44 (8) The Board may forward a CAC or TAC recommendation to the Planning  
45 Commission, or it may make suggested changes to such recommendation  
46 and either remand it to the CAC or TAC for further consideration, or forward



47 the CAC or TAC recommendation to the Planning Commission with the  
48 Board's suggested changes.  
49 (9) Public Notification – General Legislative Proposals. Where public notice is  
50 otherwise required by this Chapter, information regarding any legislative proposal  
51 shall also be broadly disseminated to the public using one or more of the  
52 following methods as determined to be appropriate for the specific proposal by  
53 the Administrative Official or Board:  
54 (a) Publishing an additional paid public notice sufficient to inform the  
55 public of the nature of the proposal, the date and time of the public  
56 hearing, the appropriate contact name and number, and the  
57 availability of relevant draft documents;  
58 (c) Distributing a press release to the newspaper of general circulation,  
59 or radio station in the county, city, or general area where the  
60 proposal is located or that will be affected by the proposal;  
61 (d) Notifying individuals or groups with known interest in the type of  
62 proposal being considered, or who have requested to be notified in  
63 relation to a specific legislative proposal. The Department may  
64 charge a subscription fee for the administration of mailing lists of  
65 persons or groups requesting to be notified in writing, when such  
66 notification has also been published in the newspaper of general  
67 circulation;  
68 (e) Placing notices in appropriate regional, neighborhood, ethnic, or  
69 trade journals; and  
70 (f) Publishing notice in agency newsletters or sending notice to agency  
71 mailing lists, including general lists or lists for specific proposals  
72 or subject areas.  
73 (10) Public Notification – Site-specific Comprehensive Plan/Zoning Map amendments.  
74 Where public notice is otherwise required by this chapter, for site-specific  
75 legislative proposals, such notice shall be mailed directly to the owners of the  
76 affected properties, and to all property owners within 300 feet of the subject  
77 property.(Ord. 17938 Attch. F (part), 2000)  
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1 **14.08.090 Review and decisions by Board.**

2 (1) Upon receipt of a recommendation on all or any part of a plan, plan amendment or  
3 development regulation from the Planning Commission, the Board shall, at its next  
4 regular public meeting, set the date for a public meeting where it will consider and  
5 take action on the recommendation.

6 (2) If the Board agrees with the recommendation of the Planning Commission on a  
7 proposed, ~~it shall approve the plan, plan amendment or development regulation by~~  
8 ~~ordinance~~, it shall take action consistent with the Commission's recommendation.

9 (3) If the Board considers a change in the recommendation of the Planning Commission  
10 on a proposed plan, plan amendment or development regulation to be necessary, the  
11 Board shall proceed as follows:

12 (a) Changes to plans or plan amendments. Before acting on a proposed change to a  
13 plan or plan amendment, the Board must first refer the proposed change back to  
14 the Planning Commission for a report and recommendation. The Commission  
15 shall follow the public notice and hearing requirements for consideration of such  
16 change as required for the initial Commission review of the proposal. The Board  
17 may set a deadline for receipt of the Commission recommendation. After receipt  
18 of the report and recommendation of the Commission, or after lapse of the time  
19 frame specified by the Board, the Board may approve the plan, without further  
20 reference to the Commission, provided:

21 (i) That the plan or plan amendment conforms either to the proposal as initiated  
22 by the Board or the recommendation by the Planning Commission and/or

23 (ii) If the Planning Commission has failed to report within a 90-day period, the  
24 Board shall hold at least 1 public hearing on the proposed plan or plan  
25 amendment. Public notice for such hearing shall be the same as that required for  
26 public hearings before the Commission, described in SCC 14.08.080(3), above.  
27 Thereafter, the Board may proceed to approve the proposed plan or plan  
28 amendment.

29 (b) Changes to development regulations. Before acting on a proposed change to a  
30 development regulation recommended by the Planning Commission, the Board  
31 shall either refer the proposed change back to the Commission for further public  
32 comment and consideration consistent with the procedures for changes to plans or  
33 plan amendments described in Subsection (a), above, or the Board shall conduct  
34 its own public hearing, giving notice as required in SCC 14.08.080(3), above, and  
35 adopt its own findings of fact and a statement setting forth the factors considered  
36 at the hearing and its own analysis of findings considered by it to be controlling.

37 (4) Final disposition of annual docket. The Board must take action on the current year's  
38 docket on or before the last business day of July. The Board's decision, or failure to  
39 make a decision by the above date, to either approve, deny, or defer action on, plans  
40 or plan amendments terminates that year's docket. Upon termination of the current  
41 docket, a new docket must be established as required in SCC 14.08.030 above.

42 (5) The Board may defer action on any specific plan or plan amendment to a future  
43 docket if:

44 (a) Additional time is needed to analyze the impacts of the proposal;  
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- 46 (b) Delaying action on the proposal would unfairly delay action on other proposals  
47 that are otherwise ready for a decision; or  
48 (c) Approval of the proposal depends on the implementation of other rules, standards  
49 or policies that either do not exist, or are not official by the time the Board is  
50 ready to make its decision on the annual docket. (Ord. 17938 Attch. F (part),  
51 2000)