

Attachment 1

Plain text = existing code with no changes
Strikethrough = existing code to be deleted
<u>Underlined</u> = new code to be added
[Bracketed] = instructions to code reviser

SCC 14.04 Definitions

14.04.010 Scope

This Chapter contains definitions of technical and procedural terms used throughout this Unified Development Code. Additional definitions are found in specific chapters including [Chapter 14.26 Shoreline Master Program](#); Chapter 14.36-~~SCC~~, Public Works Standards₇₂; Chapter 14.12-~~SCC~~, SEPA₇₂ and the 1997 Uniform Sign Code, Chapter 10, Section 1002, or as amended.

14.04.020 Definitions [No change.]

SCC Chapter 14.06 Permit Procedures

[The following sections in Chapter 14.06 are modified as follows.]

14.06.050 Application Level

- (1) Applications for development permits and other administrative determinations shall be categorized as 1 of 4 levels as follows; ~~provided, that shoreline applications shall be processed as described in the Skagit County Shoreline Management Master Program:~~
 - (a) Level I. Level I applications are those applications for which a final decision is made by the applicable Administrative Staff, either the Director of Public Works or his/her designee, or the Director of Planning and Development Services or his/her designee, without a public hearing. That decision may then be appealed in an open record appeal hearing to the Hearing Examiner. The Hearing Examiner decision may then be appealed in a closed record appeal to the Board. Actions reviewable as Level I applications include:
 - (i)-(xvii) [No change.]
 - (xviii) Shoreline Substantial Development Permit.
 - (xix) Shoreline Substantial Development Permit Letter of Exemption.
 - (xx) Shoreline Variance, Administrative.
 - (xxi) Shoreline Permit Revision.
 - (b) Level II. Level II applications are those applications that require an open record pre-decision hearing level before the Hearing Examiner and for which the Hearing Examiner decision is final, unless that decision is appealed to the Board in a closed record appeal. Level II applications include:

- (i)-(viii) [No change.]
- (ix) Shoreline Conditional Use Permit.
- (x) Shoreline Variance, Hearing Examiner.
- (c) Level III. [No change.]
- (d) Level IV. [No change.]

14.06.150 Public Notice Requirements

- (1) [How to provide notice; no change.]
- (2) Notice of Development Application Requirements.
 - (a) (a) Exemption. A Notice of Development Application pursuant to this Section shall not be required for:
 - (i) Boundary line adjustments.
 - (ii) Short subdivisions.
 - (iii) Building permits, flood area development permits or similar construction permits that are categorically exempt from SEPA, or for which SEPA review has previously been completed in connection with other development permits.
 - (iv) Forest Practice Act waivers for single-family residential development where the initial critical area review and site visit concludes that no critical areas have been impacted, or do not exist.
 - (b) Within 14 days of issuing a letter of completeness under SCC 14.06.100, the County shall issue a Notice of Development Application for Level I, II, III and IV Applications not exempt under Subsection (2)(a) of this Section. The notice shall be dated and shall include, but not be limited to, the following information:
 - (i) The name of the applicant.
 - (ii) The date of application.
 - (iii) The date of the letter of completeness.
 - (iv) The location of the project.
 - (v) A project description.
 - (vi) Identification of other required permits not included in the application to the extent known by the County.
 - (vii) A list of development permits included in the application and, if applicable, a list of studies requested in the letter of completeness or final decision.
 - (viii) A public comment period which ~~shall be not less than 15 days nor greater than 30 days following starts on~~ the date of the Notice of Development Application, and a statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. The Notice of Development Application shall also state that failure to submit such comment or request during the comment period

or at the public hearing could result in loss of right to appeal; ~~provided, however, that there exists a~~ The comment period for Shoreline Permit applications must be at least 30 days; 21-days comment period for administrative long plats, under SCC 14.06.110(15); ~~and not less than 15 days nor more than 30 days for all other applications.~~

- (ix) An identification of existing environmental documents used to evaluate the proposed application and where they can be reviewed. The Notice of Development Application may be combined with the notice of SEPA threshold determination as described in SCC 14.06.070 and Chapter 14.12 SCC, SEPA.
 - (x) A preliminary determination, if one has been made at the time of the notice, of development regulations that will be used for the project mitigation and consistency with appropriate provisions of the Comprehensive Plan and development regulations and the adequacy of public facilities and services as described in SCC 14.06.100(6).
 - (xi) A County staff contact and phone number.
 - (xii) The date, time and place of a public hearing if one has been scheduled.
 - (xiii) A statement that the decision on the application will be made within 120 days of the date of the letter of completeness unless such time period is extended consistent with SCC 14.06.210; except for Shoreline Permits, which should include a statement about the date of decision consistent with SMP Part VII, Administration.
- (c) [Not a substitute for public hearing; no change.]
 - (d) [Where to publish; no change.]
 - (e) [When County will issue decision; no change.]
- (3) Notice of Public Hearing. [No change.]
 - (4) Notice of Decisions. See SCC 14.06.200.

14.06.200 Notice of decisions.

- (1) [No change.]
 - (2) [No change.]
 - (3) [No change.]
 - (4) [No change.]
 - (5) [No change.]
 - (6) [No change.]
- (7) For shoreline permits, a Notice of Decision must be provided to Ecology consistent with SMP Part VII, Administration.

SCC Chapter 14.24 Critical Areas

14.24.080 Standard critical areas review and site assessment procedures.

- (1) [No change.]
- (2) [No change.]
- (3) [No change.]
- (4) Determination That Critical Areas Are Present or Affected.
 - (a) [No change]
 - (b) [No change]
 - (c) The site assessment shall include:
 - (i) [No change]
 - (ii) [No change]
 - (iii) [No change]
 - (iv) [No change]
 - (v) [No change]
 - (vi) A description of efforts made to apply mitigation sequencing pursuant to Subsection (65)(b) of this Section; and
 - (vii) [No change]
 - (viii) [No change]
 - (ix) [No change]
 - (d) [No change]
- (5) General Mitigation Requirements.
 - (a) Mitigation. [No change]
 - (b) Mitigation Sequence. [No change.]
 - (c) Shoreline Mitigation.
 - (i) Mitigation Plan. All proposed alterations to shoreline areas or associated buffers require mitigation sufficient to provide for and maintain the functions and values of the shoreline area or to prevent risk from a critical areas hazard and must give adequate consideration to the reasonable and economically viable use of the property. The applicant must develop and implement a mitigation plan prepared by a qualified professional. Mitigation in excess of that necessary to ensure that development will result in no net loss of ecological functions will not be required by Skagit County, but may be voluntarily performed by an applicant. In addition to any requirements found in the Shoreline Master Program, a mitigation plan must include:

- (A) An inventory and assessment of the existing shoreline environment including relevant physical, chemical and biological elements;
 - (B) A discussion of any federal, state, or local management recommendations which have been developed for critical areas or other species or habitats located on the site;
 - (C) A discussion of proposed measures which mitigate the adverse impacts of the project to ensure no net loss of shoreline ecological functions;
 - (D) A discussion of proposed management practices which will protect fish and wildlife habitat both during construction, and after the project site has been fully developed;
 - (E) Scaled drawings of existing and proposed conditions, materials specifications, and a minimum five-year maintenance and monitoring plan, including performance standards;
 - (F) A contingency plan if mitigation fails to meet established success criteria; and
 - (G) Any additional information necessary to determine the adverse impacts of a proposal and mitigation of the impacts.
- (ii) Alternative Mitigation. To provide for flexibility in the administration of the ecological protection provisions, alternative mitigation approaches may be approved within shoreline jurisdiction where such approaches provide increased protection of shoreline ecological functions and processes over the standard provisions of this SMP and are scientifically supported.
- (6) [No change]