

Memorandum

To: Skagit County Planning Commission
From: Ryan Walters, JD, AICP
Date: April 21, 2025
Re: Draft reorganization of SCC Title 14

This memo describes our draft reorganization of the county's development code to improve its structure and facilitate residential permitting. The proposed reorganization is not a complete overhaul of the code but makes plain language edits where possible without substantial rewriting. Except where identified in this memo and directly with blue explanatory highlights in the draft, we tried to avoid substantive changes to the existing code while substantially improving its organizational structure to make it more readable and easier to administer, and to facilitate future improvements.

Objectives

Broadly, the objectives of the proposed code reorganization are to:

- improve readability, usability, and administration of the code by improving the organization of code chapters;
- align terminology and improve plain language of the code;
- delete duplicative code language that could result in inconsistencies in interpretation or administration, and to improve maintainability of the code;
- streamline residential permitting requirements including by reducing the need for variances and streamlining the lot certification process;
- integrate Administrative Official Interpretations (now known as Director Interpretations under revised SCC 14.06.130 adopted by ordinance O20240005); and
- minimize code renumbering where possible given the other objectives above.

Change Tracking

This code reorganization proposal presents the changes in the format we used last year for the permit procedures update, i.e., with changes tracked through in-line explanations and memos but not strike-through and underline, except where very minor or substantive changes need to be shown.

To stay on schedule for delivery of this draft, some blanks are shown in code section numbers, AOIs have not yet been incorporated, some cross-references are not updated, and not all definitions in SCC 14.04.020 have been reviewed. These will be completed for the next draft.

Draft Review Schedule (subject to change)

January 14, 2025 ✓	PC work session to brief on project objectives and solicit early feedback on TOC
March 12 ✓	Briefing on rough draft with planning staff
April 21 ✓	Complete draft code reorganization revisions published
April 22	PC work session to present draft code
May 6	Public hearing
May 20	PC deliberations and recommendation
June-July	BOCC deliberation + likely second comment period

Overview of Changes

This code reorganization proposal makes a few substantive changes, which this memo will cover first, some of which are included in the proposal to implement proposed changes to the Comprehensive Plan or recent changes in state law.

Substantive Changes

Changes driven by Comp Plan policy and state law requirements

- Allowance for two Accessory Dwelling Units (ADU) in UGAs when public sewer is available.
- Allowance for vehicle charging stations in the NRI, IF-NRL, SF-NRL, URP-OS, OSRSI zones.
- New chapter with procedures for Unit Lot Subdivisions.
- Allowance of middle housing types in the Rural Village Residential zone, including duplexes, triplexes, fourplexes, and manufactured home parks.
- Inclusion of behavior health facilities as an Essential Public Facility.
- Allowance for emergency housing, emergency shelter, and transitional housing in the Rural Village Commercial zone; permanent supportive housing and transitional housing in the Rural Village Residential and Urban Reserve Residential zones; co-living housing in the Urban Reserve Residential zone.
- Amendment to legislative actions chapter (SCC 14.08) to require countywide analysis for de-designation of natural resource lands and a climate impact analysis prior to altering urban growth areas.
- Exemption of ADUs from impact fees (state law requires at least 50% exemption).

Boundary line adjustments

- Reorganized requirements for clarity, especially surrounding application requirements.
- Require surveys in some cases. The draft requires a Record of Survey if more than two lots are being modified.
- Relaxes requirement for a recent title report.

Lot certification

- Reorganized to make clearer how lot certification operates and when lot aggregation is required (without changing the substantive rules).
- Made Reasonable Use Exceptions for lot certifications a Type 1 review, because no discretion is available. This streamlines permitting for housing.

Setbacks

- Proposes slightly reduced setbacks based on road type to reduce the need for variances on small or oddly shaped lots.
- Reduced setbacks still need to be harmonized with zoning dimensional standards, which will occur in the next draft.
- Added diagrams to illustrate common lot shapes and how setbacks are applied to those lots.

Other Miscellaneous Minor Changes

- Deleted the requirement for a special use permit for a master planned resort in favor of just requiring a development agreement (which has better tools to benefit both the county and land owner).
- The existing CaRD regulations seemed to contemplate allowing a CaRD binding site plan in addition to a regular CaRD land short subdivision or subdivision. No one had ever applied for such a thing and it was conceptually at conflict with the residential nature of a CaRD, so it is dropped from this draft to simplify the code.

Administrative Official Interpretations

Administrative Official Interpretations, now called Director Interpretations, are decisions of the Planning Director as to how various adopted code provisions are to be interpreted. All AOIs to date are available on [the Department website](#). It is a best practice to migrate these interpretations into the code itself.

The AOIs have not been integrated into this draft, but will be prepared for the next draft.

Reorganization

Generally

- Throughout the reorganized draft we have mostly used light touch rewriting and reorganization where important to clarify meaning and standardize writing style.
- Where sections contained multiple levels of hierarchy, we have elevated those sections to become their own chapters to make them easier to navigate and cite. (In the online version of the code, section names show up in the tables of contents; subsections and subparagraphs do not.) Examples of this include CaRD regulations, setbacks, landscaping, wireless facilities.
- Where sentences contained lengthy lists of items we have pulled those items out into a bulleted list.
- Where multiple sentences conveyed parallel concepts differently, we have set out the sentences side by side in parallel construction to highlight the differences.
- Where these edits have changed meaning in a significant way or had some other substantive effect, we have either tracked the change (with strikethrough and underline) or described the change in a blue box at the beginning of the section.
- Unnecessarily repetitive text has been deleted or consolidated.
- Where purpose or applicability statements were not present in existing code, we added them to improve the reader's understanding of how the section or chapter fits into the rest of the code.
- Where sections or chapters contained mixed lists of applicability and review requirements, we created sections or subsections to logically group application requirements and separate them from review requirements.

Zoning and Uses (Title 14 Division 1)

In the existing code, all zones and uses, along with standards for those uses, are combined in Chapter 14.16. Uses and dimensional standards are contained in long lists under each zone.

The proposed reorganization groups related zones and lists all uses in an Allowed Uses table, where the type of permit (permitted, administrative special use, or hearing examiner special use) can be compared across zones. In addition:

- A new section (14.10.060) lists uses allowed in all zones.
- A new section (14.10.070) lists uses prohibited in all zones.

Major benefits of this reorganization of uses includes:

- Because zones are listed side-by-side, the reader can identify where uses may be missing. This is especially important for interpretation of the code, because a land use that is omitted from a zone is prohibited in that zone.

- Because all uses have their own section that can be used to describe standards and restrictions, conditions that are commonly imposed by special use permit can be migrated over time to the use section, potentially eliminating the need for a special use permit.

Definitions (Chapter 14.04)

- Definitions of uses have moved from 14.04 to 14.18 alongside the standards and restrictions for those uses.
- Definitions for terms that are not used, or are used inconsistently, have been deleted or edited, resulting into a significant downsizing of the definitions chapter.
- Definitions that substantially redefine simple English words have been migrated into the applicable code section.

Land Divisions (new chapter 14.74 et seq)

- Consolidated the site plan requirements for a regular preliminary subdivision and a binding site plan, so that have nearly the same application requirements.
- CaRDs are no longer characterized as a type of “overlay permit,” but instead are just a land division with special design requirements. Not a substantive change.
- A land division in in the Urban Reserve Residential UGA zone currently requires a separate 1-acre Urban Reserve Development Permit in addition to the land division; this proposed reorganization recharacterizes that as simply a special type of land division and drops the requirement for a special permit. No substantive change in effect from existing code is intended, but this streamlines procedures somewhat for residential UGA development.

Open Space/Current Use Assessment

Existing Chapter 14.40 Open Space Current Use Assessment Applications is not a development regulation subject to GMA, and makes no reference to any other section of Title 14. This draft removes it from Title 14 and recodifies it into Title 3.

Table of Reorganized Chapters

The table below illustrates the source in the existing code for the newly reorganized chapters.

Proposed Revised/Reorganized Chapter	Source Material in Existing Code
14.01 How to Use the Unified Development Code	New material
14.02 General Provisions	No change
14.04 Definitions	No change
14.06 Permit Procedures	No change
14.07 Nonconforming Uses	14.16.880
14.08 Legislative Procedures	No change
14.09 Enforcement Procedures	14.44
Division 1 Zoning and Land Uses	
14.10 General Provisions	14.16.010-030, SCC 14.16.850, uses common to all zones

Proposed Revised/Reorganized Chapter	Source Material in Existing Code
14.11 – 14.16 Groups of Zones	14.16.100-500
14.18 Use Standards	Derived from definitions in 14.04 and exceptions to uses in 14.16
Division 2 Project Design Standards	
14.20 General Performance Standards	14.16.840
14.22 Fences	14.16.825
14.24 Critical Areas	No change at this time
14.25 Landscaping	14.16.830
14.26 Parking	14.16.800
14.27 Pipeline Safety	14.16.835
14.28 Setbacks	14.16.810
14.29 Signs	14.16.820
Division 3 Land Management	
14.30 Land Disturbance	14.22
14.32 Stormwater	No change
14.34 Flood Damage	No change
14.38 Natural Resource Lands	14.38, 14.16.870, 14.16.810(7), 14.38.030
Division 4 Critical Areas and Shorelines	
14.40-14.44 Reserved for future reorganization of the Critical Areas chapter	No content at this time
14.48 Shoreline regulations	14.26
Division 5 Special Permits	
14.51 Special Use Permits	14.16.900
14.52 Special Use Permits for Mining	14.16.440(8)
14.53 Development Agreements	14.14
14.54 Essential Public Facilities	14.16.600
14.56 Master Planned Resorts	14.20
14.57 Urban Reserve Development Permit	14.16.910
14.58 Variances	14.10
14.59 Wireless Facilities	14.16.720
Division 6 Public Facilities	
14.62 Concurrency	14.28
14.66 Public Works Standards	14.36
14.68 Impact Fees	14.30

Proposed Revised/Reorganized Chapter	Source Material in Existing Code
Division 7 Land Divisions and Boundaries	
14.70 Legal Lots (of Record)	14.16.850(4), 14.18.000(3)(a), and 14.18.000(9)
14.72 Boundary line adjustments	14.18.700
14.74 Land Divisions	14.18
14.76 Standards for Special Land Divisions	Various
14.78 Standards for CaRD Land Divisions	14.18.300 et seq.
14.79 Binding Site Plans	14.18.500

Consistency with Adopted Plans and Regulations

This proposal is not a wholesale rewrite of the existing code, but instead mostly a reorganization with improvements to plain language. It has attempted to stay true to the intent of the existing code, with limited exceptions. It is consistent with existing Comprehensive Plan goals and policies.

Proposed Findings, Conclusions, and Recommendation

SCC 14.08.080 requires this staff report to include proposed findings, conclusions and recommendations on the proposal for the Planning Commission's review.

While understanding that additional edits still need to be made to the draft, and another round of public comment will be required after this one, we propose that the Planning Commission recommend the proposed draft to the Board of County Commissioners for their review and eventual approval.

Proposed Findings of Fact and Conclusions of Law:

1. The proposal makes substantial improvements to the organization of Skagit County's Unified Development Code.
2. The proposal remains consistent with the goals and policies of the Comprehensive Plan, as proposed for its 2025 update.
3. The proposal makes important changes to improve readability and administration of the complex rules in the Unified Development Code, e.g., with diagrams in the new setbacks chapter.
4. The proposal's revised organizational structure of Title 14 is more logical and straightforward than the existing code, grouping related concepts together (such as Natural Resource Land regulations) and making the code more modular (such as the various types of land divisions).
5. The proposal's use of tables to show land uses in related zones will help identify areas where the County may want to make future revisions to the code or relax land use constraints.
6. The proposal's new chapter listing standards for land uses will help the County identify special uses that can be regulated with less expensive and time-consuming administrative approval.
7. The proposal makes important substantive changes to help the County streamline residential, such as improvements to the lot certification and setbacks chapters.