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Document Introduction

This document contains portions of Skagit County's Unified Development Code which pertains to public participation/notification. These potential language changes were derived during the construction of a Legislative Reform Proposal, which was recommended for rejection by the Commission as a whole, while desirable elements were recognized in part. The ByLaws Review Committee of the Planning Commission collected the pertinent sections and suggested additional revisions, so that Public Participation/Notification may be optimized.

*Note: Significant revisions have been highlighted to encourage closer inspection.

14.08.060 Initiation of review of development regulations/amendments to SCC Title 14.

New [development regulations](#) or amendments to [development regulations](#) may be initiated at any time by a recommendation from the [Department](#) to the [Board](#). After receipt of a recommendation from the [Department](#) on 1 or more proposed [development regulations](#) or amendments, the [Board](#) shall, in a public meeting, consider the [Department](#) recommendation on the proposed regulation(s) or amendment(s) and decide whether to initiate review of the proposed regulation(s) or amendment(s). If the [Board](#) decides to initiate review of the proposed regulation(s) or amendment(s), it shall refer the same to the [Planning Commission](#) for review, consistent with the provisions of [SCC 14.08.080](#) through [14.08.100](#). A decision by the [Board](#) to initiate the regulation(s) or amendment(s) review process at this stage is procedural only and does not constitute a decision by the [Board](#) as to whether the regulation or amendment will ultimately be approved. (Ord. O20090010 Attch. 1 (part); Ord. 17938 Attch. F (part), 2000)

(1) Pursuant to RCW 36.70A.470, any interested person may suggest development regulation amendments consistent with the process for initiating a comprehensive plan amendment petition. No fee is required. The Board must consider any such suggestions consistent with the process for docketing comprehensive plan amendment petitions.

14.08.070 Public participation requirements.

(1) This Section addresses the creation and roles of Citizen Advisory Committees (CACs) and Technical Advisory Committees (TACs), and provides for public notification requirements in addition to any such requirements otherwise required by this Chapter.

(2) Unless exempted by this Section, the [Board](#) shall establish 1 or more CACs or TACs, as appropriate, to participate and assist in the initial [development](#) of [Comprehensive Plan](#) elements, subarea plans and functional plans. The [Board](#) shall seek to have a variety of [interests](#) represented on such committees.

(3) A CAC or TAC may be initiated by 1 of the following methods:

(a) The [Board](#) may establish one by resolution; or

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- (b) Any citizen may request the [Board](#) to consider calling for a new CAC or TAC relating to a GMA purpose. The [Board](#) will take public comment on the request. If the [Board](#) is convinced that a new CAC or TAC would be useful, the [Board](#) may authorize its formation by resolution.
- (4) The BCC may establish a procedure for taking [applications](#) and selecting membership to the CAC or TAC, including establishing a term of service and a method of reappointment (if any) or [replacement](#) of members. The BCC may also establish by resolution rules of procedure and time frames for recommendations by a CAC or TAC.
- (5) CACs and TACs shall follow the requirements of Chapter 42.30 RCW, Open Public Meetings [Act](#). All meetings of the CAC or TAC shall be open to the public and held at a [site](#) and times when the working public can attend. The CAC and TAC shall establish and publish a schedule of meeting [days](#), times and locations for main group and subcommittee meetings and shall keep minutes of committee and subcommittee meetings.
- (6) A [County](#) staff [person](#) will be assigned to each CAC and TAC, and will provide staff support and maintain a copy of the record of such committee or subcommittee.
- (7) Notwithstanding the procedure outlined in this Section, if the [Board](#) determines that time constraints imposed by orders from the Western Washington Growth Management Hearings [Board](#) or other legal requirements likely cannot be met if a CAC or TAC is established and utilized as provided in this Section, the [Board](#) need not honor a request to form the CAC or TAC, even if it would be useful to do so.
- (8) The [Board](#) may forward a CAC or TAC recommendation to the [Planning Commission](#), or it may make suggested changes to such recommendation and either remand it to the CAC or TAC for further consideration, or forward the CAC or TAC recommendation to the [Planning Commission](#) with the [Board](#)'s suggested changes.
- (9) Public Notification—

General Legislative Proposals. Where public notice is otherwise required by this Chapter, information regarding any legislative proposal shall also be broadly disseminated to the public using 1 or more of the following methods as determined to be appropriate for the specific proposal by the [Administrative Official](#) or [Board](#): ,which must include a newspaper of legal record,

- (a) Publishing an additional paid public notice sufficient to inform the public of the nature of the proposal, the date and time of the [public hearing](#), the appropriate contact name and number, and the availability of relevant draft documents;
- (b) Distributing a press release to the newspaper of general circulation, or radio station in the [County](#), [city](#), or general area where the proposal is located or that will be affected by the proposal;

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(c) Notifying individuals or groups with known [interest](#) in the type of proposal being considered, or who have requested to be notified in relation to a specific legislative proposal. The [Department](#) may charge a subscription fee for the administration of mailing lists of [persons](#) or groups requesting to be notified in writing, when such notification has also been published in the newspaper of general circulation;

(d) Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and

(e) Publishing notice in agency newsletters or sending notice to agency mailing lists, including general lists or lists for specific proposals or subject areas.

(f) Publishing notice on the County's main website and on the department's website.

~~(10) Public Notification—~~

Site-Specific Comprehensive Plan/Zoning Map Amendments. Where public notice is otherwise required by this Chapter, for [site](#)-specific legislative proposals, such notice shall be mailed directly to the [owners](#) of the affected properties, and to all property [owners](#) within 300 feet of the [subject property](#).

(1110) Early and Continuous Public Participation-- RCW 36.70A.140 requires the County to provide for "early and continuous public participation" in the consideration of comprehensive plans and development regulations, including "broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments." This section is intended to meet and exceed these requirements.

(a) Early notice. Upon Initiation of Review described above, the Department must create a page on the Department website describing the issue and the Department's proposed approach to the project. The Department must provide public notice of the new project, consistent with SCC 14.08.210.

(b) Planning Commission consultation. The Department must make an initial presentation on the project to the Planning Commission and provide an opportunity for discussion of approaches and alternatives.

(c) Draft proposal. The Department must generate the text of the proposal, include any maps or other material that constitute part of the proposal, and may include as options the alternatives that the Planning Commission identified.

(d) Staff report. When the Department releases the complete draft proposal, it must also release a staff report that includes the following elements:

(i) Background: statement of issue and statutory requirements.

(ii) Summary: description of proposed plan or code amendment.

(iii) Analysis: assessment and evaluation of proposal.

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(iv) Recommendation: a recommendation for adoption of one of the approaches.

(v) Consistency: a comparison of the proposal to relevant plans and policies (e.g. Comprehensive Plan, subarea plans) and evaluation for consistency.

(vi) Process:

(aa) dates and description of all public notices.

(ii) description of SEPA threshold determination.

(iii) information on how the public can comment on the proposal.

(iv) deadlines for public comment, and

(v) address of project webpage.

(11-12) Public Participation. In addition to public notice as otherwise required by this Chapter, the public shall have the opportunity to participate in County legislative matters via public hearing(s), written comment, and other forums as appropriate.__(Ord. 020090011 Attch. 2 (part); Ord. 020070009 (part): Ord. 17938 Attch. F (part), 2000)

(13 12) Public Comment

(a) Written comment periods.

(i) Length. [A][Any][written comment period must last at least 14 days 15 business days from the date of advertisement. [An initial written comment period for the complete draft of a proposal [[must/should]] last at least 30 days.][A longer comment period should be considered for more significant projects.]

(ii) Consolidated end date. A written comment period offered concurrent with advertisement of a public hearing should conclude at the end of the public hearing.

(b) Public hearings.

(i) Notice. A public hearing must be advertised at least 10 30 days 15 business days prior to the date of the public hearing.

(ii) Rules.

1. The chair should read an opening statement describing the subject of the hearing and any rules for testimony.

2. A commissioner should not interrupt a person testifying except the chair may call the person to order.

3. Each person who testifies should receive an equal allotment of time.

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14.08.080 Formal Review by Planning Commission.

(1) Prior to a formal review by the Planning Commission review, the Department shall prepare a staff report on any proposed plans, amendments or development regulations summarizing the comments and recommendations of any Citizen Advisory Committee or Technical Advisory Committee as provided in the Skagit County Growth Management Act Public Participation Program as amended, County departments, affected agencies and special districts, and evaluating the proposed plan's, plan amendment's, or development regulations' consistency with adopted County plans and regulations. The staff report shall include findings, conclusions and proposed recommendations for disposition of the proposed plan, plan amendment or development regulations. The staff report, together with proposed drafts of the plan, plan amendment or development regulations, shall be available to the public a minimum of ~~15~~ 30 calendar ~~days~~ 15 business days before a public hearing on the proposed plan, plan amendment, or development regulations.

(2) Unless adopted as an interim ordinance under the provisions of RCW 36.70A.390, the Commission shall hold at least 1 public hearing on a proposed plan, plan amendment or development regulation at the beginning of its deliberations prior to forwarding a recommendation to the Board for action.

(3) Notice of the public hearing shall indicate the time, place and purpose of the public hearing, and shall be published in the official newspaper of the County at least ~~15-30 days~~ 15 business days prior to the hearing.

(4) The Commission shall consider public comments and deliberate on the proposed plan, plan amendment or development regulation. At the completion of its deliberations, the Commission shall vote to recommend adopting, not adopting or amending the proposed plan, plan amendments or development regulation.

(5) Commission recommendation to the Board on any plan, plan amendment or development regulation shall be by affirmative vote of not less than 5 members, a majority of the total membership of 9 members, of the Commission. Recommendations shall be by a recorded motion which shall incorporate the findings of fact of the Commission and the reasons for its recommendation, and the motion shall refer expressly to any maps, descriptive material and other matters intended by the Commission to constitute the recommendation. The indication of approval by the Commission shall be recorded on any map and descriptive material, as applicable, by the signatures of the chairperson and the secretary of the Commission.

(6) All or any part of a plan, development regulation or amendment thereto shall be recommended for approval by the Commission only if it is consistent with the community vision statements, goals, objectives, and the policy directives of the Comprehensive Plan and the proposal preserves the integrity of the Comprehensive Plan and assures its systematic execution.

(7) Any Commission recommendation on a proposed plan, regulation or amendment thereto shall include a discussion of whether the proposal is supported by capital facility and functional plans; whether the

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proposal is consistent with the requirements of the Growth Management [Act](#), (Chapter 36.70A RCW), the Countywide Planning Policies and other applicable provisions of the [Comprehensive Plan](#); and whether the proposal bears a substantial relationship to the public general health, safety, morals or welfare. For proposed [Comprehensive Plan](#) map changes, the Commission recommendation shall also include findings of fact and conclusions on whether the proposal is justified by changed or changing conditions; whether the proposal would create an isolated land [use](#) designation (spot [zone](#)) unrelated to adjacent designations; and whether the proposal will be compatible with neighboring properties and not adversely affect the value of those properties.

(8) A copy of any plan, plan amendment or [development regulation](#) recommendation, together with the recorded motion shall be submitted to the [Board](#) not later than 14 [days](#) following the date the recorded motion is signed by the chairperson of the Commission, together with the statement of findings and conclusions.

(9) Any report or recommendation from the Commission, whether on a proposal initiated by it, whether on a matter referred back to it by the [Board](#) for further report, or whether on a matter initiated by the [Board](#), shall be advisory only and the final determination shall rest with the [Board](#). (Ord. O20090011 Attch. 2 (part); Ord. 17938 Attch. F (part), 2000)

14.08.210 Public Notice:

(1) Consistent with RCW 36.70A.035(1), "public notice" includes all of the following:

(a) publishing a native electronic copy of the document on the project's webpage on the Department's website;

(b) sending notice to the Department's e-mail list, including general lists or relevant lists for specific proposals or subject areas;

(c) notifying cities, towns, and tribes within the County;

(d) notifying the official newspaper of the County;

(2) For written comment periods and public hearings, "public notice" also includes publishing a paid notice in the official newspaper of the County;

(3) For site-specific proposals (e.g. site-specific Comprehensive Plan map amendments), the initial "public notice" of a project also includes all of the following:

(a) posting notice on the property;

(b) mailing notice directly to the owners of the subject property and to all property owners within 300 feet of the subject property;

(4) Notices must include all of the following:

~~(a) a concise description of the project or proposal in plain English;~~

~~(b) information on how to provide comment on the proposal;~~

~~(c) deadlines for public comment;~~

~~(d) address of the project webpage.~~

14.08.220 Public Comment

~~(1) Written comment periods.~~

~~(a) Length. [A][Any] written comment period must last at least 14 days from the date of advertisement. [An initial written comment period for the complete draft of a proposal [[must/should]] last at least 30 days.][A longer comment period should be considered for more significant projects.]~~

~~(b) Consolidated end date. A written comment period offered concurrent with advertisement of a public hearing should conclude at the end of the public hearing.~~

~~(2) Public hearings.~~

~~(a) Notice. A public hearing must be advertised at least 10 30 days prior to the date of the public hearing.~~

~~(b) Rules.~~

~~(i) The chair should read an opening statement describing the subject of the hearing and any rules for testimony.~~

~~(ii) A commissioner should not interrupt a person testifying except the chair may call the person to order.~~

~~(iii) Each person who testifies should receive an equal allotment of time.~~

