

**An Ordinance Adopting Amendments to Skagit County Code (SCC)  
14.18.100 – Preliminary Subdivisions to Permit Additional Extensions of  
Preliminary Approval for Short Plats and Plats**

**Whereas**, the County processes amendments to the local development regulations per Skagit County Code (SCC) Chapter 14.08;

**Whereas**, pursuant to SCC 14.18.00 short subdivisions and subdivisions preliminary approved prior to or on September 1, 2011 may through a combination of permit timelines and extensions be allowed up to 9 years and 12 years, respectively, to reach final approval;

**Whereas**, the *Swinomish Indian Tribal Community v. Washington State Department of Ecology* 2013 Supreme Court ruling resulted in two preliminarily approved land divisions having their previously verified well use invalidated, therefore neither project has been able to obtain final plat approval without availability of water;

**Whereas**, both land divisions have exhausted their approval timelines and allowed permit extensions;

**Whereas**, the subject code amendment to permit an additional five, one-year extensions allows time for the applicants of the subject land divisions to continue working with the Department of Ecology to ensure legal access to water;

**Whereas**, the County issued a SEPA threshold determination of non-significance (DNS) on December 22, 2017 in accordance with the WAC 97-11 and SCC Title 16;

**Whereas**, the County received a notice of review from the Washington State Department of Commerce on December 31, 2017 in accordance with the Revised Code of Washington (RCW) 36.70A.106;

**Whereas** the County advertised a public comment period in accordance with 14.08.080, and the Planning Commission held a public hearing on January 23, 2018;

**Whereas** the Planning Commission held a special meeting on February 6, 2018 to deliberate on the proposed amendments;

**Whereas** the Planning Commission made a Recorded Motion concerning the proposed code amendments to SCC 14.18.100 (**Exhibits A and B**); and

**Whereas** the Board of Commissioners has reviewed the public comments and the Planning Commission's Recorded Motion for the subject code amendment.

**Now Therefore Be It Ordained by the Board of County Commissioners:**

**Section 1. The Board of County Commissioners adopts the amendments to SCC 14.18.100 as shown in the Planning Commission's Recorded Motion (Exhibits A and B).**

**Witness Our Hands and the Official Seal of Our Office this 20<sup>th</sup> day of February, 2018.**

**BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

  
Kenneth A. Dahlstedt, Chair

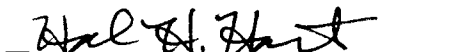
  
Lisa Janicki, Commissioner

  
Ron Wesen, Commissioner

**Attest:**

  
Clerk of the Board

**Recommended:**

  
Department Head

**Approved as to form:**

  
Civil Deputy Prosecuting Attorney

**EXHIBIT A: RECORDED MOTION**

**Skagit County Planning Commission's Recorded Motion Regarding  
Proposed Amendments to Skagit County Code (SCC) 14.18.100 to Permit  
Additional Short Plat and Plat Extensions**

<b>Proposal workshop date:</b>	December 5, 2017
<b>Proposal publish date:</b>	December 26, 2017
<b>Proposal name:</b>	Short Plat and Plat Extensions
<b>Documents available at:</b>	<a href="http://www.skagitcounty.net/Departments/PlanningandPermit/shortsub.htm">www.skagitcounty.net/Departments/PlanningandPermit/shortsub.htm</a>
<b>Public hearing body:</b>	Skagit County Planning Commission
<b>Public hearing date:</b>	Tuesday, January 23, 2018, at 6 p.m.
<b>Written comment deadline:</b>	Wednesday, January 25, 2017, at 4:30 p.m.
<b>PC deliberations:</b>	Tuesday, February 6, 2018

After considering the written and spoken comments and considering the record before it, the Planning Commission enters the following findings of fact, reasons for action, and recommendations to the Board of County Commissioners.

**Findings of Fact and Reasons for Action**

1. Pursuant to Skagit County Code (SCC) 14.18.100, short subdivision and subdivisions preliminarily approved prior to or on September 1, 2011 may through a combination of permit timelines and extensions be allowed up to 9 years and 12 years, respectively, to reach final approval.
2. The *Swinomish Indian Tribal Community v. Washington State Department of Ecology* 2013 Supreme Court ruling resulted in two preliminarily approved land divisions having their previously-verified well use invalidated. Though a number of public improvements have been installed for both projects as authorized by preliminary approval, neither project has been able to obtain final plat approval without availability of water.
3. Both of the subject land divisions have exhausted their approval timelines and allowed permit extensions.
4. The proposed code amendment to permit an additional five, one-year extensions would allow time for the applicants to continue to work with Ecology to ensure legal access to water.

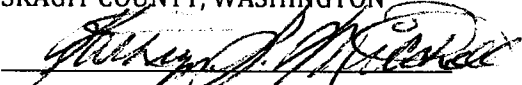
5. The Planning Commission appreciates the Department's efforts to permit additional time for those projects impacted by *Swinomish v. Ecology* to reach final plat.

The Planning Commission recommends that the Board of County Commissioners **approve** the proposal.

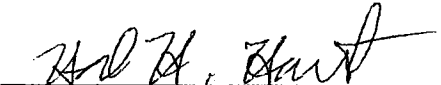
**This recorded motion approved February 6, 2018:**

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair			✓	
Kathy Mitchell, Vice Chair	✓			
Josh Axthelm	✓			
Tammy Candler	✓			
Hollie Del Vecchio	✓			
Amy Hughes	✓			
Annie Lohman	✓			
Mark Lundsten	✓			
Martha Rose	✓			
<b>Total</b>	<b>8</b>	<b>0</b>	<b>1</b>	<b>0</b>

SKAGIT COUNTY PLANNING COMMISSION  
SKAGIT COUNTY, WASHINGTON

  
Tim Raschko, Chair

6 Feb 2018  
Date

  
Hal Hart, Secretary

6 Feb 2018  
Date

## Exhibit B Code Amendment

Plain text = existing code with no changes
<del>Strikethrough</del> = existing code to be deleted
<u>Underlined</u> = new code to be added
<del>Double Strikethrough</del> = existing code moved to another location
<u>Double Underline</u> = existing code moved from another location
<i>Italics</i> = instructions to code reviser

### Chapter 14.18 Land Divisions

#### 14.18.100 Preliminary Subdivisions

- (1) –(5) *No changes proposed.*
- (6) Preliminary Subdivision Approval Duration
  - (a) through (e): *No changes proposed.*
  - (f) Any applicant who has received preliminary short or long subdivision approval on or before April 1, 2014, who submits a request for extension in writing to the Administrative Official at least 30 days before the preliminary approval expiration date may be granted a one-year extension of the preliminary approval by the Administrative Official or designee upon a showing that the applicant has attempted in good faith to submit the final subdivision within the preliminary approval period set forth in Subsections (6)(a) and (b) of this Section. Only ten total extensions shall be allowed pursuant to Subsections (6)(e) and (f). The Administrative Official's decision on a plat extension request is appealable as a Level I decision pursuant to SCC Chapter 14.06.