



Planning & Development Services

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Memorandum

To: **Planning Commission**
From: **Stacie Pratschner, AICP** Senior Planner
Date: **November 28, 2017**
Re: **Planning Commission Workshop on Proposed Code Amendments to Skagit County Code (SCC) Chapter 14.18.100 – Preliminary Subdivisions**

SUMMARY:

Planning and Development Services (PDS) is providing this memo in advance of the December 5, 2017 Planning Commission meeting. The purpose of this memo is to present a draft work program and a conceptual code draft for proposed edits to Skagit County Code (SCC) Chapter 14.18.100 – Preliminary Subdivisions. The Department proposes to provide additional time for short plats and plats to reach final approval that are not currently able to obtain water pursuant to the *Swinomish Indian Tribal Community v. Washington State Department of Ecology* Supreme Court ruling in 2013.

ACTION REQUESTED OF THE PLANNING COMMISSION:

This is an informational workshop and staff requests feedback from the Planning Commission concerning the attached code drafts to SCC Chapter 14.18.

BACKGROUND/DISCUSSION:

The purpose of this briefing is to discuss the schedule (**Attachment 1**) and scope for revising the county's short subdivision and subdivision permit extension regulations found in SCC 14.18.100. The Department is bringing this project forward at the request of the Board of County Commissioners.

SCC 14.18.100(6) contains provisions for the extension of short plats and plats. The table below summarizes the timelines for completion of subdivisions in the development code:

Permit Type	Expiration of Approval	Extensions
Preliminary Short Plat Approval	On or after January 1, 2015: 3 years. On or before December 31, 2014: 4 years¹.	On or before September 1, 2011: Five one-year extensions allowed for a total of 9 years.
Preliminary Plat Approval	RCW 58.17: 7 years	On or before September 1, 2011: Five one-year extensions allowed for a total of 12 years.

¹Interim Ordinance O20170002

Per direction from the Board, the Department proposes a work program to develop code that provides an additional five one-year extensions for short plats and plats that obtained preliminary approval with water availability verified, but then were unable to obtain water pursuant to the *Swinomish Indian Tribal Community v. Washington State Department of Ecology* decision in 2013.

The Department's initial research indicates that two subdivision projects have been impacted by the *Swinomish v. Ecology* decision. The Madalyn Estates Subdivision (PL05-0216) and the George Theodoratus Subdivision (SP97-0019) are preliminarily approved, and were provided verification of water from the Department of Health. Installation of improvements has begun on both projects; however without legal access to water, neither project can obtain final plat approval. The tables below summarize the status of both projects:

George Theodoratus Subdivision (SP97-0019) – A four-lot short plat in the RRv zone.

Application Submittal	March 11, 1997
Preliminary Approval	March 6, 2014
Construction Status	Roadway and detention facilities are complete for the four lots.
Extensions Granted	Interim Ordinance #O20170002
Date of Expiration	March 6, 2018

Madalyn Estates Subdivision (PL05-0216) – An eleven-lot plat in the RVR zone.

Application Submittal	July 22, 2005
Preliminary Approval	February 7, 2008
Construction Status	Access to Lots 10 and 11 is partially complete. No infrastructure is complete for Lots 1 through 9.
Extensions Granted	2012, 2014, 2015, 2016 and 2017
Date of Expiration	March 12, 2018

The proposed code included as **Attachment 2** proposes to allow up to an additional ten one-year extensions for preliminarily approved short subdivisions and subdivisions that are unable to reach final plat approval due to the Supreme Court ruling. These additional extensions will allow time for the applicants to continue working with Ecology to ensure legal access to water.

Other needed changes may be revealed as staff completes the initial research and review process for the code amendments. Staff is proposing a 2-3 month process to review the code and draft revisions for the Planning Commission and the Board of County Commissioners to consider before preliminary plat approval expires. Other tasks included in the scope of the project include SEPA notification and actions, various staff reports and briefings to the Planning Commission and Board of County Commissioners, WA Department of Commerce 60-day review, public notification, and public hearing.

Attachments:

1. Proposed work program schedule for code amendments
2. Proposed amendments to Skagit County Code (SCC) Chapter 14.18.100 – Preliminary Subdivisions

Attachment 1

SCC 14.18.100: Code amendments to extend time of preliminary approval of short plats and plats.

LEGISLATIVE ACTIONS	NOVEMBER 2017	DECEMBER 2017	JANUARY 2018	FEBRUARY 2018
Research	11/13/17 – 12/31/17			
Draft Code Amendments		12/1/17 – 12/31/17		
Attorney Review			1/8/18 – 2/12/18	
Prepare & Issue SEPA		12/12/18 – 1/12/18		
Commerce Review		12/12/18 – 2/12/18		
Publish Notice of Planning Commission Public Hearing	Notice At Least <u>7 Days</u> Before Workshop (provide report at least <u>1 week</u> prior to Workshop)		Notice and Provide Report At Least <u>15 Days</u> Prior to Hearing	
Planning Commission Review (WS-workshop; PH-public hearing; D - deliberations)		12/5/17 (WS)	1/23/18 (PH)	
			1/30/18 (D) ¹	
Board of County Commissioners Public Hearing and Deliberations / Adoption				Provide Agenda Cover Sheet, Ordinance, and Staff Report <u>10 Days</u> Prior to Deliberations / Adoption ²
Board of County Commissioners Public Hearing and Deliberations (PH – public hearing; D/A – deliberations/adoption)				2/6/18 (D/A)

Purpose: Proposed amendments to Title 14 to extend the time of preliminary approval for short plats and plats.

¹ The Supplemental Staff Report is due 1 week prior to Deliberations.

² A Public Hearing with the BOCC requires public notice at least 15 days prior to the agenda item.

Attachment 2

Plain text = existing code with no changes
Strikethrough = existing code to be deleted
<u>Underlined</u> = new code to be added
Double Strikethrough = 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 such extensions shall be allowed. The Administrative Official’s decision on a plat extension request is appealable as a Level I decision pursuant to SCC Chapter 14.06.