Planning & Development Services

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Public Comments on 2026 Misc Code Amendments

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1.	Tricia Sears	Department of Natural Resources	Email	2/18/2026	1
2.	Terry Sapp	Agricultural Advisory Board	Email	3/4/2026	3
3.	Jan Edelstein	17173 West Big Lake Blvd. Mt. Vernon, WA 98274	Email	3/12/2026	5

Comment #1

Robby Eckroth

From: Sears, Tricia (DNR) <Tricia.Sears@dnr.wa.gov>
Sent: Wednesday, February 18, 2026 4:15 PM
To: Robby Eckroth
Cc: Sears, Tricia (DNR); Long, Lexine (COM); DNR RE SEPACENTER
Subject: Skagit County development regulations amendments (2026-S-11505): WGS comments

Hello Robby,

In keeping with the interagency correspondence principles, I am providing you with comments on the Skagit County development regulations amendments (2026-S-11505).

For this proposal submitted via Planview, I looked at the proposal and focused on areas related to WGS work. Of note, but not limited to, I look for language around the geologically hazardous areas, mineral resource lands, mining, climate change, and natural hazards mitigation plans.

Specifically in this proposal, I reviewed the Draft 2026 Misc Code Updates 020526 PDF, Skagit County SEPA Checklist_2026 Misc Amendments 20260212, and Misc Code Amendments Staff Report_ 020325.

Kudos to you for making changes to the development regulations!

Previously, I commented on Skagit County's Critical Areas Ordinance (2025-S-8322) on 4/22/25, Comp Plan (2025-S-8103) on 2/20/25, Countywide Planning Policies (2024-S-8003) on 1/21/25, and Development Regulations (2024-S-7559). From looking at the documents for this submittal, it's not entirely clear what WGS comments were incorporated.

The Draft 2026 Misc Code Updates 020526 PDF looks good. The changes shown make sense and correspond to the submitted information that supports them.

The SEPA Checklist looks good and the staff report does too. It was helpful to read the information provided there.

Below, I include our usual language for this and future endeavors.

Recognizing the limitations of the current proposals, I want to mention that it would be great for you to consider these in current or future work, be it in your comprehensive plan, development code, and SMP updates, and in your work in general:

- Consider adding a reference to the definition of geologically hazardous areas, WAC 365-190-120, in other areas besides the CAO. In addition, consider adding a reference to WAC 365-196-480 for natural resource lands.
- Consider adding in other areas besides the CAO. If you have not checked our interactive database, the Washington Geologic Information Portal, lately, you may wish to do so. Geologic Information Portal | WA - DNR
- If you have not checked out our Geologic Planning page, you may wish to do so. Geologic Planning | WA - DNR

Thank you for considering our comments. If you have any questions or need additional information, please contact me. For your convenience, if there are no concerns or follow-up discussion, you may consider these comments to be final as of the 60-day comment deadline of 4/12/26.

Have a great day!
Tricia

Tricia R. Sears (she/her/hers)
Geologic Planning Liaison
Washington Geological Survey (WGS)
Washington Department of Natural Resources (DNR)
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Comment #2

Skagit County
Agricultural Advisory Board

1800 Continental Place • Mount Vernon, Washington 98273
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March 4, 2026

To: Skagit County Planning Commission

Re: 2026 Miscellaneous Title 14 Code Amendments

The Agricultural Advisory Board has reviewed proposed 2026 Miscellaneous Title 14 Code Amendments.

The Board was presented a copy of a February 3, 2026 Memorandum from Robby Eckroth, Senior Planner in the Department of Planning and Development Services. The substance of the memorandum was discussed at a special meeting of AAB on Thursday, February 19, 2026 where Mr. Eckroth and other members of PDS assisted in an analysis. A red-lined version of the code amendments was also made available.

Discussion focused mainly on proposed amendments that are relevant to agricultural interests in Skagit County. Generally, the Board found that the proposed amendments improve the structure of Skagit County Code (SCC) as it has been reorganized parallel to the county comprehensive plan review during 2025. The Board supports the improved SCC as easier to read and use as the county's governing law.

Some of the current proposed SCC changes were noted as substantive by PDS and by AAB:

- 14.09 Enforcement Procedures would provide more leverage for the county to rectify nuisance problems in ag lands in alignment with state authority
- 14.13.100 offers greater flexibility for placing residential buildings in certain limited situations on lots in the Ag-NRL zone
- 14.18.102(2) would give greater flexibility to administrative permits for shape of the one acre under the "39 and 1" rule in the agricultural zone
- 14.18.106 would provide for greater flexibility in siting ADUs in proximity to the primary residence where critical areas are present

Skagit County Agricultural Advisory Board

- 14.30 would clarify triggers for land disturbance if new agricultural activity
- 14.34 would bring to focus some agricultural wells that are in the floodway (as opposed to flood zone)
- 14.58.020 regarding variances, various, and 14.76.200 would require a hearing examiner approval of a segregation of portion greater than one acre under the "39 and 1" rule
- 14.04.020 Definitions involving the applicability of "low," "moderate," and "high impact" land uses with relevance to agricultural practices (previously adopted into SCC in alignment with Department of Ecology guidance on land use adjacent to wetlands)

The Board offers that, after a critical discussion with PDS staff, the proposed significant amendments passed the Board's review and should be supported by the Planning Commission and the Board of County Commissioners during their deliberations.

It is noted that several topics drew greater concerns by Board members because actual relevant cases in the county could not be identified and no prediction of future cases could be discerned. The Board recognized that the permitting system is largely based on cases that arrive at the permit counter and, therefore, it must be presumed that code adjustments reflect best judgements by planning and permit experts. In this regard, the Board expressed interest in monitoring future outcomes in collaboration with PDS staff.

The Board expresses broad gratitude for the expertise staff members provided and the commitment of their time by PDS to assist the AAB in their exploration of these and many issues that concern Skagit County's thriving agricultural industries and interests.

With regards,

Terry Sapp, Chair
Agricultural Advisory Board

Comment #3

Public Comment filed March 12, 2026: Misc. Amendments to Title 14
LESSONS LEARNED

I offer this user feedback to support the Planning Department's efforts to refine Title 14. This feedback is based on lessons learned as a Party of Record and former Appellant in connection with the Overlook Crest project permitting since August, 2024.[1]

The overarching problem with the proposed and recent changes to Title 14 is the systemic prevention of public participation, contrary to the goals of the Growth Management Act (RCW 36.70A), and the requirements of Local Project Review (RCW 36.70b), Subdivision and Plats (RCW 58.17) and SEPA (RCW 43.21C). These problems arise out of the over-use of Type 1 Review Process - Without Notice.

Although notice is not required for every project permit application, it is required for all applications that do not seek ministerial/non-discretionary approval or are not SEPA exempt.

Respectfully submitted,
Jan M. Edelstein
17173 West Big Lake Blvd.
Mt. Vernon, WA 98274

PROBLEMS WITH TITLE 14:

1. Growth Management Act/Local Project Review Applies.
   Fails to provide opportunity for meaningful public participation.
2. Title 14.04 Definitions – Party of Record
   Improperly excludes public from notice and right to appeal.
3. RCW 36.70B Local Project Review – Overuse of Type 1 Review - No Notice
   a. State law establishes minimum project permit application review and approval procedures, including for public notice, and
   b. Authorizes exclusion from public notice procedures for <u>only</u> those project permits which:
      i. involve routine, nondiscretionary land development ordinance implementation matters carried out by staff based on compliance with specific, nondiscretionary and/or technical standards that are clearly enumerated in Skagit County Code, and
      ii. are categorically excluded from SEPA.
4. Title 14.06.150 Type 1 No Notice Review of Project Permits Erroneously Applies to Permits which require exercise of Director Discretion.
5. Title 14.06.150 Type 1 No Notice Review of Project Permits Erroneously Applies to Permits which are not categorically excluded from SEPA.

[1] *Edelstein v Skagit County* No. 25-2-000786-29 (Skagit County Sup. Ct.).

6. SCC 14.06.150 Review Process Type 1 – No Notice, contrary to Right of Appeal which requires Notice. RCW36.70B.110(9)
7. Revise SCC 14.06-150 Table 1 to remove Critical Areas Review
8. Revise other SCC 14 provisions to clarify SEPA requirement to review and document the Director's reliance on prior SEPA documents.
9. Revise Preliminary Plat Review for Short Land Division Plans: Requires Notice and BOCC Approval -Not Type 1 Review
10. Revise Final Land Division Plan Review: Require BOCC Approval - Not Type 1 Review
11. Restore what appears to be an inadvertent omission .to Land Divisions Section: "General Provision "o". "

1. Growth Management Act/Local Project Review Applies.

Skagit County plans under the Growth Management Act (GMA). "Jurisdictions fully planning under the Growth Management Act (GMA) must use all of the permit procedures outlined within chapter 36.70B RCW (aka, the Local Project Review Act) to administer permit application processes."[2] The purpose of RCW 58.17 is to administer the process by which land is divided in a uniform manner by all local jurisdictions throughout the state.[3]

GMA Planning Goals No. 6 and No. 7[4] address the rights of all landowners. The property rights of all landowners, not just the Applicant, are to be protected from arbitrary and discriminatory actions, and require that government permits be processed in a timely and fair manner.

Just as the applicant for a permit has a constitutional due process right to a fair process, so do the owners of any properties that might be adversely affected by the issuance of the permit.

Moreover, all citizens of Skagit County have an interest in the County living up to its land development promises as contained in the County Comprehensive Plan and Ordinances. GMA Planning Goal No. 11[5] directs the County to "encourage the involvement of citizens in the planning process" and "ensure coordination … to reconcile conflicts". This coordination requires

[2] https://mrsc.org/explore-topics/planning/administration/permit-review#timeline Municipal Research and Service Center website, accessed March 7, 2026.
[3] RCW 58.17.010
[4] RCW 36.70A.020 **(6)** Property rights. Private property shall not be taken for public use without just compensation having been made. **The property rights of landowners shall be protected from arbitrary and discriminatory actions. (7)** Permits. Applications for both state and local government permits **should be processed in a timely and fair manner to ensure predictability. (11)** Citizen participation and co-ordination. **Encourage the involvement of citizens in the planning process**… and **ensure coordination** between communities and jurisdictions **to reconcile conflicts.**
[5] RCW 36.70A.020(**11**) Citizen participation and coordination. **Encourage the involvement of citizens in the planning process**, including the participation of vulnerable populations and overburdened communities, and **ensure coordination between communities and jurisdictions to reconcile conflicts.**

public notice and opportunity to comment in a meaningful manner before County permitting decisions are made.

2. Title 14.04 Definitions – Party of Record:

The proposed change would remove the requirement to provide notice of a decision to a person who, before the decision was made, requested to be notified of an upcoming decision.

This is contrary to RCW 36.70B.130 which requires that notice of the decision regarding a "project permit" be given to any person who "prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application."

Please note that under RCW 36.70B.130, the request or filing of substantive comments need occur only before the time the decision is made, rather than, as the Staff proposal would require, be filed only within a designated public comment period.

The proposed change, by adding more improper restrictions upon who qualifies as a Party of Record with a right to receive notice of a decision, thwarts the public's right to participate in County land development decision making in general. Moreover, it impermissibly limits who can appeal a decision by two mechanisms.

First, SCC 14.06.410 grants standing to file a local appeal only to those who qualify as a "party of record." The proposed change to the definition of "party of record" would limit the ability to appeal to those persons who had the foresight to file a substantive comment during the 14 to 30 day public comment period to preserve their inchoate right to appeal a decision with which they might, more might not, agree.

On its face this provision appears to apply only to local appeals, rather than a Land Use Petition Act appeal to the Superior Court. Given my experience, I can postulate a situation where no aggrieved neighbor could appeal to Superior Court.[6]

Secondly, this narrow definition of who is entitled to notice of a decision, puts up a practical barrier to exercising one's right to appeal any and all permit decisions. One must file one's appeal with the Department, together with the current filing fee of $2,100, "within 14 days after the written decision is mailed or, if a notice of decision is not required, the date of decision". [7]

[6] One can speculate that a respondent (permit applicant/county) in a LUPA challenge by a non-party of record under the proposed narrowing of definition, who did not file a local appeal because excluded from doing so because of the County's limited definition of Party of Record, would argue that the appealing party had failed to exhaust its administrative remedies and should have its LUPA claim dismissed.

[7] SCC 14.06.410

So, for all permits processed as Type 1 Review – No Notice, the interested party has no way to know when the 14 day 'appeal window' opens or closes. Without such knowledge, interested parties are likely to miss the appeal deadline.

Not only do the GMA, Local Project Review, and SEPA laws require protection of the property interests of the general public, so does the Constitution of the United States. Procedural due process guarantees to individuals a fair process before government action harms their lives, liberty, or property.[8] "The fundamental requirement of due process is the opportunity to be heard 'at a meaningful time and in a meaning full manner."[9]

Please amend the definition of Party of Record to conform with RCW 36.70B.130.

3. RCW 36.70B Local Project Review: Overuse of Type 1 Review – No Notice

RCW 36.70B establishes minimum permitting review procedures and public notice requirements for "project permit applications." It also provides an option for the County to exclude a limited set of permit classes from these minimum permitting review procedures.

Permit Processing Requirements:
RCW 36.70B provides the requirements which the County's Title 14 Unified Development Code must incorporate for reviewing and approving a "project permit" or "project permit application."

RCW 36.70B.020 defines these terms broadly:

> (4)(a) "Project permit" or "project permit application" means any land use or environmental permit or license required from a local government for a project action, including but not limited to subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones which do not require a comprehensive plan amendment, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.
> (b) "Project permit" or "project permit application" does not include building permits.

RCW 36.70B.060 and 36.70B.110 through 36.70B.130 require local governments to adopt specific local development regulations for processing applications which empower the public to participate in almost all project specific permitting decisions BEFORE the decision is made [public participation elements].

These provisions include a requirement by the County to give to the Public the following:

[8] *Mathews v. Eldridge*, 424 U.S. 319, 332, 96 S. Ct. 893 (1976)
[9] *Mathews v. Eldridge*, 424 at 333 (quoting Armstrong v. Manzo, 380 US 545, 552, 85 S. Ct. 1187 (1965))

1. Notice that an application has been submitted,
2. Notice of the Director's Determination of Application Completeness,
3. Notice of a right to comment,
4. An open record hearing, and
5. Notice of the Decision and the Right to Appeal within 14 days of the Notice of Decision.

Regarding Notice of Decision, "RCW 36.70B.130 Notice of decision-Distribution" is specific about whom is entitled to notice.

> "The notice shall be provided to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application"

Limited Option to Exclude Application from Above Requirements if non-discretionary decision and Categorically Exempt from SEPA :

Although RCW 36.70B.140 authorizes the local government to create a subset of project permits that are excluded from these rigorous review requirements and public participation elements, that subset is narrowly confined to permits which are:

> "Lot line or boundary adjustments, other construction permits or similar administrative approvals, categorically exempt from environmental review under chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits.[10]"

What unites the permits that may be excluded from public scrutiny is (a) they are based on either the agreement of adjoining landowners, or (b) compliance with specific technical/engineering standards which are not subject to Director discretion, and (c) the overarching requirement that they all must be SEPA exempt or have an existing completed environmental review that does not require updating.

The County's authority to remove classes of permits from the Project Review requirements in general, and with respect to Notice to public specifically, is limited to applications for project permits that, are nondiscretionary decisions based on compliance with specific, nondiscretionary and/or technical standards that are clearly enumerated in Skagit County Code or other applicable code and are categorically exempt under SEPA.

4. SCC 14.06.150 Type 1 No Notice Review of Project Permits Erroneously Applies to Permits which require exercise of Director Discretion.

Tables 1 & 2 of SCC 14.06.150 need overhaul to remove from Type 1 Review – No Notice, all project permit applications which include a decision that requires the exercise of Director's discretion rather than, require only a ministerial/non-discretionary approval.

[10] And see WAC 365-196-845(3).

As currently written, Skagit County Code's "Type 1 No-Notice" review is applied to an overly broad range of Director decisions. These decisions include all land disturbance permits which can require the exercise of Director's decisions such as in adjustments to storm water code or undertaking of critical areas review with possible mitigation, required SEPA review or update, determination of minor versus major revision of land disturbance permits, determination of substantial versus not substantial revision to long subdivision preliminary plat approval, preliminary short subdivision approval, and final approval of both long and short subdivision approvals. The Type 1 List also includes "Administrative Decisions" which presumably includes every land use decision by the Administrator, now called "Director". [11]

By designating types of project permits as Type 1 – No Notice that require Director discretion, or require initial or further SEPA Review, SCC 14.06 as applied fails to comply with the GMA planning goals, the Local Development Review Act, and SEPA requirements to empower the public to participate in the decision-making process.

Consultant Ryan Walters, writing in his memorandum dated May 22, 2025, describing why an application for Reasonable Use Exceptions for Lot Certifications receives a Type 1 review, partially articulates the standard for "No Notice" review. That is, "because no discretion is available." A more complete description would be: Type 1 decisions are based on compliance with specific, nondiscretionary and/or technical standards that are clearly enumerated in the Skagit County Code.

if there are any permits for projects other than Lot Line Adjustment, Boundary Line Adjustment, and Reasonable Use Exception for Lot Certification that are based on compliance with specific, nondiscretionary and/or technical standards, etc., please provide an accurate definition for Administrative Decisions subject to Type 1 Review. [12]

Proposed Solution: Add a definition. Administrative Decisions as used in Type 1 – No Notice: Type 1 Administrative Decisions are categorically exempt from SEPA and based on compliance with specific, nondiscretionary and/or technical standards that are clearly enumerated in the Skagit County Code such as minimum lot sizes, lot set back requirements, and minimum road frontage. Any permit approval based on criteria or other requirements that the Director has the authority to adjust, modify or forego, is not a Type 1 Administrative Decision. Instead, that permit shall be reviewed as a Type 2 Administrative Decision unless another code provision requires a higher level of review.

[11] Obviously this is inconsistent with Type 2 Review in which the Director is the decision maker but **is** required to provide notice.

[12] Please note that state code now excludes Building Permits from the definition of "project permits."

5. SCC 14.06.150 Type 1 No Notice Review of Project Permits Erroneously Applies to Permits which are not categorially exempt under SEPA.

Further, for the County to have the authority to exclude from public notice requirements pursuant to RCW 36.70B the type of project permit must be categorically exempt from environmental review, or have a completed environmental review that is not required to be updated based on change in condition, new information, mistake or misrepresentation.[13]

This writer understands that any application for a project permit that is not categorically exempt from SEPA must be reviewed by the Director, as Lead Agency, for a determination. If a prior SEPA determination exists upon which the Director relies to issue a new DNS, that reliance must also be documented and made available to the public for review.[14]

Regarding SEPA, SCC 14.06.150(3) unsuccessfully attempts to convert Type 1 listed permits that are not SEPA exempt into Type 2 listed permits:

> SCC 14.06.150(3) The Director must determine the proper review type for all applications consistent with Tables 14.06.150-1 and 14.06.150-2 and this Subsection.
>
> **(a) Consistent with the integration of environmental review required by SCC 14.06.160, if a project that would otherwise be characterized as Type 1**

[13] WAC 197-11-600 When to use existing environmental documents…(b) For DNSs and EISs, preparation of a new threshold determination or supplemental EIS is required if there are (i) Substantial changes … likely significant adverse environmental impacts…; or (ii) New information indicating a proposal's probable significant adverse environmental impacts. (This includes discovery of misrepresentation or lack of material disclosure.)

WAC 197-11-158(3) Project specific impacts that have not been adequately addressed as described in subsection (2) of this section might be probable significant adverse environmental impacts requiring additional environmental review. Examples of project specific impacts that may not have been adequately addressed include, but are not limited to, impacts resulting from changed conditions, impacts indicated by new information, impacts not reasonably foreseeable in the GMA planning process, or impacts specifically reserved in a plan EIS for project review.

WAC 197-11-340 (2)(f) The responsible official shall reconsider the DNS based on timely comments and may retain or modify the DNS or, if the responsible official determines that significant adverse impacts are likely, withdraw the DNS or supporting documents. When a DNS is modified, the lead agency shall send the modified DNS to agencies with jurisdiction,

WAC 197-11-35 (5) Agencies may clarify or change features of their own proposal, and may specify mitigation measures in their DNSs, as a result of comments by other agencies or the public or as a result of additional agency planning.

[14] See WAC 365-196-845 Local project review and development agreements:

(8) Notice of project permit application. …must be provided to the public with (a)(iv) identification of existing environmental documents that evaluate the proposed project...

requires SEPA review (is not SEPA-exempt), it must be processed as a Type 2 (or higher) review.

(b) …

(c**) If there is a question as to the appropriate type of process, the Director must resolve it in favor of the higher-numbered type.**

Although SCC 14.06.150(3)(a) would move all project permit applications that are not categorically exempt to Type 2, the Director interprets the Code differently. Where a revision to an existing permit has been reviewed under SEPA in the past, the Director equates such a situation as being SEPA exempt.

Equating a prior SEPA review to "SEPA exempt" fails to account for the circumstances where the Director, as Lead Agency, is required by the Washington Administrative Code to reopen the original SEPA approval when there are project specific impacts that have not been adequately addressed in the earlier SEPA determination due to changed conditions, impacts indicated from new information or discovery of mistake or misrepresentation.[15] [16]

In the case of *Edelstein v. Skagit County,* not only was the earlier SEPA determination based on a 'mistake' in the applicable standard, but new expert information, acknowledged by Planning Staff as "valuable" was provided which challenged the Applicant's assertion of compliance with the new, more rigorous standard. No public hearing was held on this important issue, in spite of a County Resolution to the Director and Hearing Examiner to do so.[17]

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[15] WAC 197-11-158(3) Project specific impacts that have not been adequately addressed as described in subsection (2) of this section might be probable significant adverse environmental impacts requiring additional environmental review. Examples of project specific impacts that may not have been adequately addressed include, but are not limited to, impacts resulting from changed conditions, impacts indicated by new information, impacts not reasonably foreseeable in the GMA planning process, or impacts specifically reserved in a plan EIS for project review.

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WAC 197-11-35 (5) Agencies may clarify or change features of their own proposal, and may specify mitigation measures in their DNSs, as a result of comments by other agencies or the public or as a result of additional agency planning.

[16] See WAC 365-196-845 Local project review and development agreements:

(9) Notice of project permit application. …must be provided to the public with (a)(iv) identification of existing environmental documents that evaluate the proposed project...

[17] See R 20240421

6. SCC 14.06.150 Review Process Type 1 with Right of Appeal Requires Notice.

RCW 36.70B.110 is clear. If the County provides a right of appeal, it must provide notice of the decision which one can appeal. Requiring notice of the decision is more limited than requiring compliance with all of the Local Project Review requirements.

Yet the County's application of Type 1 Review results in no notice to parties of record or the general public.

> RCW 36.70B.110(9) A local government is not required to provide for administrative appeals. If provided, an **administrative appeal of the project decision and of any environmental determination issued at the same time as the project decision, shall be filed within fourteen days after the notice of the decision or after other notice that the decision has been made and is appealable**. The local government shall extend the appeal period for an additional seven days, if state or local rules adopted pursuant to chapter **43.21C** RCW allow public comment on a determination of nonsignificance issued as part of the appealable project permit decision.

7. Revise SCC 14.06.150-Table 1 Type 1 No Notice List to remove Critical Areas Review:

Because being SEPA exempt does not mean a project is Critical Areas exempt, move from Type 1 Review to Type 2 Review all permits which include require a Critical Area Report. Require documentation in file as to finding on Critical Areas off-site impacts.

Proposed Solution: At a minimum, amend SCC 14.24 to add a provision requiring public notice, as required by RCW 36.70B.110(4) and RCW 36.70B.130, be provided for applications or requests for "permits or approvals required by critical area ordinances".

8. Revise other SCC 14 provisions to clarify need to review and document the Director's reliance on prior SEPA documents.

When the Director relies on prior documents as the basis for a threshold SEPA determination for an application to revise an existing non-categorically exempt permit, the Director has an obligation to document that reliance and make it known to the public.

> See WAC 365-196-845(9)(a)(iv) which provides that Notice of project permit application must be provided to the public with identification of existing environmental documents that evaluate the proposed project...

Proposed solutions:

1) Revise SCC 14.06.520 (2)(b)(v) criteria for what is not a "minor revision" to a permit to conform to WAC 197-11-158(3) and WAC 197-11-340 (2)(f). Please see underlined text.

   (v) Result in any significant environmental impact not adequately reviewed or mitigated by previous documents. Examples of project specific impacts that may not have been adequately addressed include, but are not limited to, impacts resulting from changed conditions, impacts indicated by new information, impacts not reasonably foreseeable in the GMA planning process, or impacts specifically reserved in a plan EIS for project review.

2) Revise SCC 14.74.120(1)(c) for what is a "substantial revision" to a preliminary land division permit to conform to WAC 197-11-158(3) and WAC 197-11-340 (2)(f) and (3)[18]. Please see underlined text.

   (c) Changes in the proposal that lead to built or natural environmental impacts that were not adequately addressed or mitigated ~~in the original approval~~ by previous documents. Examples of project specific impacts that may not have been adequately addressed include, but are not limited to, impacts resulting from changed conditions, impacts indicated by new information, impacts not reasonably foreseeable in the GMA planning process, or impacts specifically reserved in a plan EIS for project review.

3) In all Types of Review cases, require Director to note the basis for finding that the application is for a project which is either categorically exempt from SEPA or Director relies on prior SEPA Determinations to be identified and to which the Director certifies do not require updating pursuant to Washington Administrative Code.

9. Revise Level of Review for Plat Approval for Short Land Division -- Requires Notice and Decision by Legislative Body (Not Type 1 Review)

Although RCW 58.17.095 authorizes a county to adopt an ordinance allowing the Administrator to make his recommendation to the legislative body on whether or not to approve a preliminary

[18] WAC 197-11-340(3)(a)The lead agency shall withdraw a preexisting DNS or MDNS if:
(i) There are substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts;

1. Restore SCC 14.18 no const not consistent with preliminary plat plan

(ii) There is significant new information indicating, or on, a proposal's probable significant adverse environmental impacts; or
(iii) The DNS was procured by misrepresentation or lack of material disclosure; if such DNS resulted from the actions of an applicant, any subsequent environmental checklist on the proposal shall be prepared directly by the lead agency or its consultant at the expense of the applicant.

land division plan without a public hearing, the statute is clear. It is the legislative body that approves or disapproves the permit application.

The Code also requires that certain minimum public participation elements be included before the Administrator makes a recommendation. These minimum requirements include:

(1) [Public notice within 10 days of filing of the application.]
(2) Any person shall have a period of twenty days from the date of the notice to comment upon the proposed preliminary plat…
(3) A public hearing on the proposed subdivision shall be held if any person files a request for a hearing …within 21 days of the publishing of the notice of the application….
(4) On its own initiative, the Director or other designated official shall be authorized to cause a public hearing on the proposed subdivision within 90 days of the filing of the request for the subdivision.
(5) If the public hearing is waived as provided in this section, the planning commission or planning agency shall complete the review of the proposed preliminary plat and transmit its recommendation to the legislative body as provided in RCW 58.17.100
(6) "If the public hearing is waived as provided in this

Please revise Table 2 of SCC 14.06.150 to provide the required public notice and opportunity to participate in the Director's recommendation process to the Board of Commissioners for Preliminary Plat of Subdivisions and Binding Site Plans.

10. Revise Final Land Division Plan Approval Requires Type 3 Review (Not Type 1 Review)

Restore Final Plat Plan Approval to Type 3 - BOCC Review with Notice.

RCW 58.17 makes it clear that the "legislative body" is to be the decision maker on Final Plat Approval. State Law directs the city, town or county "legislative body" to make written findings on a number of issues before approving a final plat. State Law also establishes the role of the local planning agency in both preliminary and final plat approval. The role is limited to making a "recommendation" to the "legislative body" "to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan and to planning standards and specifications" and "as to compliance with all terms of the preliminary approval of the proposed plat subdivision or dedication." RCW 58.17.150

RCW 58.17 Subdivisions-Dedications

RCW 58.17.110(2) **A proposed subdivision and dedication shall not be approved unless the …county legislative body makes written findings**….If it finds …, then the legislative body shall approve the proposed subdivision and dedication.

RCW 58.17.140 …a **final plat meeting all requirements of this chapter shall be submitted to the legislative body of the …county for approval** within 7 years…

RCW 58.17.150 **Each preliminary plat submitted for final approval of the legislative body shall be accompanied by the following agencies recommendations…**

(2) Local planning agency … as to compliance with all terms of the preliminary approval of the proposed plat subdivision…

Although RCW 58.17.100 provides that a county "may by ordinance delegate final plat approval to an established planning commission or agency, or … other administrative personal in accordance with state law or local charter", this section also reinforces the state directive that only the legislative body may approve a final plan which has been approved by the legislative body as in the case of Skagit County Resolution R2013009, the 2013 final plat approval for Overlook Crest:

"Sole authority to adopt or amend platting ordinances shall reside in the legislative bodies." (Last paragraph of .100)

In addition, as currently written, Table 2 of the SCC 14.06.150 dealing with land division permits, makes no provision for applications to revise to land division permits where the Director finds that the revision is "not substantial."

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11. Restore to Land Divisions "General Provision "o" " which was omitted with 2025 update:

14.18.000 General Requirements: "(o)All construction and site development activities related to the land division are prohibited until (i) the preliminary land division is approved, and (ii) engineering plans are approved which are based on the approved preliminary land division."

This writer's review of the Ryan Walters Memorandum noting changes in Land Divisions sections (May 22, 2025), does not disclose the elimination of this important provision. Please identify where it is in the code or reinstate it.