

**A-17: Development Code Amendment
2018 To 2019
Amend Preliminary Plat Extension of
Time
(Title 18)**

Date: October 16, 2019

Public Hearing Date: October 16, 2019, 7:00 p.m.

Prepared by: Ian Lefcourte, Associate Planner

Proponent/Applicant: Thurston County Community Planning
Division of the Community Planning and
Economic Development Department

Action Requested: Amend updates to Chapter 18.12 –
“PRELIMINARY PLAT” to increase the
length of time for approval extensions.

Amend updates to Chapter 18.08 –
“DEFINITIONS” to change the
“department” definition.

Map Changes Text Changes Both
 Plans/documents Affected Jurisdictions Affects Comprehensive

1 **TOPIC**

2 *Item (#A-17) on the “2018-19 OFFICIAL DOCKET OF PROPOSED DEVELOPMENT CODE*
3 *AMENDMENTS”* requests that the county change the method for approving extensions of time
4 for preliminary plats (subdivisions) and modify the duration of extensions in Section 18.12.150
5 TCC. The proposal would increase the number of extensions for all preliminary plats. The
6 hearing examiner provisional approval, for up to ten years of extensions beyond the initial five-
7 year approval for Planned Rural Residential Developments, is proposed to be consolidated with
8 other extension of time processes and repealed.

9
10 The amendment would also modify 18.08.133 “Department” to change the definition from
11 “resource stewardship” to “community planning and economic development”. This would update
12 the code to make the definition of the long-range planning department congruent with its current
13 title.

14
15 **WHAT IS THE ISSUE BEING ADDRESSED?**

16 The number of years that the preliminary plat approval is valid. The purpose of the review is to
17 determine if the platting process can be simplified and more cost effective. The County is
18 following RCW 58.17.140, which defines rules for the time limitations to submit final plats after
19 preliminary plat approval.

20

1 The criteria for approving an extension is not proposed to change. Current criteria require
2 consistency with the comprehensive plan, applicable public health and safety standards, and no
3 emerging adverse environmental issues.

4 **BACKGROUND**

5
6 Thurston County evaluated the methods for approving extensions of time for preliminary plats
7 and modifying the duration of the extension in Section 18.12.150 TCC. Congruent with RCW
8 58.17.140, Section 18.12.150 TCC states that applicants have five years to submit a final plat for
9 preliminary plats. However, RCW 58.17.140 also allows local jurisdictions to adopt procedures
10 which allow extensions of time for plat approvals. Thurston County has created and adopted
11 such extension procedures in 18.12.150 TCC.

12
13 The amendment proposal would change the length and amount of allowed extensions. The
14 criteria for approving an extension is not proposed to change. Current criteria require consistency
15 with the comprehensive plan, applicable public health and safety standards, and no emerging
16 adverse environmental issues.

17
18 Thurston County Community Planning and Economic Development staff presented this report on
19 A-17 to the Thurston County Planning Commission at a work session held on September 4,
20 2019. Staff received direction on the proposed draft code. This direction has been reflected in the
21 draft code attached with this staff report (Attachment A). At that same work session, the
22 Planning Commission set a public hearing for October 16, 2019.

23 **ANALYSIS**

24
25 The subdivision of land into lots and tracts is governed by chapter 58.17 of the Revised Code of
26 Washington (RCW) and by Thurston County Code (TCC) Title 18 – PLATTING AND
27 SUBDIVISIONS. Subdivisions are defined in 18.08.310 TCC as “the division or redivision of
28 contiguous land, for purposes of sale, lease, or transfer of ownership into five or more lots, any
29 one of which is smaller than five acres or one-one hundred twenty-eighths of a section of land.”

30
31 Plats are the maps of subdivisions that show the division of land into lots with associated public
32 improvements (streets, dedications, easements). Preliminary (long) plats are defined in 18.08.230
33 TCC as a “neat and approximate drawing of a proposed subdivisions showing the general layout
34 of streets and alleys, lot, blocks and other elements of a subdivision consistent with the
35 requirements of this title. The preliminary plat shall be the basis for the approval or disapproval
36 of the general layout of the subdivisions.” Final plats are defined in 18.08.160 TCC as the “final
37 drawing of the subdivision and dedication prepared for filing for record with the county Auditor
38 and containing all elements and requirements set forth in Chapter 58.17 RCW and in this title
39 adopted pursuant thereto.”

40
41 Land divisions have a three-step approval process prior to the creation and sale of the lots:

- 42 • Preliminary plat approval: The approval of the general layout of the streets, lots, and
43 verification of water availability, sewage disposal, Fire Department approval, and other
44 requirements of Title 18 and the RCWs.
- 45 • Construction plan approval: The approval and construction of site improvements (if
46 required), including but not limited to clearing and grading for the installation of
47 stormwater facilities, streets, water lines, and sewage disposal systems.

- Final plat approval: Upon completion of the improvements, the final plat document is recorded and the lots are eligible for use, development, and sale.

Preliminary Plat (Subdivision) Review and Approval

Plats in Thurston County are reviewed under a Type III procedure and must comply with SEPA. A Type III procedure involves an application that is subject to standards which require the exercise of substantial discretion and about which there may be a broad public interest. A Type III procedure is a quasi-judicial decision and requires a hearing examiner public hearing. The review time can be up to 148 days.

After all applicable review comments have been received by Planning, a public hearing will be scheduled before the Thurston County Hearing Examiner. After approval of the preliminary plat by the Hearing Examiner, all conditions outlined in the Examiner's decision must be satisfied prior to final plat approval.

Duration of Approval

Once preliminary approval has been issued, the land division must be recorded within five years for a plat. An extension may be granted for plats upon request prior to expiration. For plats the request must be submitted at least 30 days prior.

RCW 58.17.140 establishes the time period for an applicant to submit a preliminary plat for final plat approval. The general rule is that the applicant has five years after preliminary plat approval in which to submit the plat for final approval. Counties may adopt procedures by ordinance for extensions of these time periods.

Final Plat (Subdivision) Approval

After all conditions of preliminary approval have been satisfied, the final map documents must be submitted by the applicant to Planning, along with the applicable review fee. Final map review takes approximately four weeks. After all County departments recommend final approval, the applicant will be contacted for the final map and recording fee. The final map will be recorded with the Thurston County Auditor's Office. For plats, the staff recommendation is submitted to the Board of County Commissioners who make the final approval. Thus, the timeline may be longer.

Preliminary Plat Extensions in Thurston County

When a preliminary plat project struggles to meet the final plat approval deadlines, Thurston County has the discretion to offer extensions of the approval period. An extension may be granted if the department finds that the extension request is consistent with the adopted comprehensive plan, is consistent with applicable public health and safety standards, and there are no emerging adverse environmental issues relevant to the project. If the department finds that the extension request does not meet those conditions, the department shall schedule a public hearing before the hearing examiner to consider the extension request.

1 The County provides different extension regulations for three different types of preliminary
 2 plats, defined in 18.12.150 TCC (Duration of Approval).
 3

Type of Plat Project	Conditions for Extension	Extensions and Length
Planned Rural Residential Development (18.12.150(D) TCC)	400+ units, and Phased Development between 6-15 years	Up to 10, 1-year extensions
Large, non-PRRD (18.12.150(B) TCC)	200+ units, and 50% of lots finalized	Up to 5, 1-year extensions
All other Plats (18.12.150(A) TCC)		Up to 1, 1-year extension

4
 5 **WHAT ARE OTHER COUNTIES ARE DOING?**

6 Staff reviewed seven other Washington counties to provide a regional context for preliminary
 7 plat extension regulations; Kitsap, Lewis, Skagit, Snohomish, Spokane, Whatcom, and Yakima.
 8 The counties established a five-year approval period for the initial preliminary plat, consistent
 9 with the requirements of RCW 58.17.140. Some of the counties defined the amount of years
 10 allowed for approval in their county code while others simply stated that approval must be
 11 compliant with RCW 58.17.140, such as Lewis County;

12
 13 Lewis County (17.05.140 LCC): “Preliminary approval of land divisions shall be valid
 14 for the period specified in RCW 58.17.140, after which it shall expire. Prior to expiration,
 15 a complete application for final plat approval meeting all the legal requirements and
 16 conditions of approval shall be made.
 17

18 Thurston County has three different sets of extension regulations for three different types of
 19 preliminary plats. All seven of the other counties had fewer sets of extension regulations. For
 20 example, Yakima County had one set of extension regulations for all types of preliminary plats.
 21

22 Kitsap County

- 23 • Nonphased Development: One, one-year extension.
 - 24 ○ 21.04.270(B)(2) KCC
- 25 • Phased Development: Multiple, two-year extensions (a phase must have been given final
 26 approval within two years prior to each subsequent extension request).
 - 27 ○ 21.04.270(B)(1) KCC

28
 29 Lewis County

- 30 • Nonphased Development: One, one-year extension.
 - 31 ○ 17.05.140(2)(b) LCC
- 32 • Phased Development: Multiple, two-year extensions (a phase must have been given final
 33 approval within two years prior to each subsequent extension request).
 - 34 ○ 17.05.140(2)(a) LCC

35
 36 Skagit County

- 37 • No extensions (for projects after April 1, 2014).
 - 38 ○ 14.18.100(6)(f) SCC

1 Snohomish County

- 2 • One or more extensions, not to exceed a total extension time of two years.
- 3 ○ 30.70.140 SCC

5 Spokane County

- 6 • Unlimited three-year extensions.
- 7 ○ 12.100.118 SCC

9 Whatcom County

- 10 • Nonphased Development: One, one-year extension.
- 11 ○ 21.05.039(2) WCC
- 12 • Phased Development: De facto built-in one-time five-year extension.
- 13 ○ 21.05.039(3) WCC

15 Yakima County

- 16 • One, up to five-year extension.
- 17 ○ 19.34.050(10)(c) YCC

19 **WHAT ARE SELECT THURSTON COUNTY CITIES DOING?**20 Tumwater

- 21 • Three, one-year extensions.
- 22 ○ 17.14.080 (A), (B) TMC

24 Olympia

- 25 • No extensions.
- 26 ○ 17.20.30 OMC – mentions extensions but there is no other language in code that
- 27 specifies extensions for preliminary plat removal.

28 Lacey

- 29 • Unlimited one-year extensions.
- 30 ○ 15.10.140 (C) LMC

32 **CONSISTENCY WITH OTHER REGULATIONS, PLANS, AND POLICIES**

33 In order to better serve the public good, the proposed regulatory modification and proposed
34 alternatives are consistent with Chapter 36.70A RCW, the Comprehensive Plan for Thurston
35 County, and the Thurston County Countywide Planning Policies.

37 RCW 36.70A

38 Per article XI, section 11 of the Washington State Constitution, “Any county...may make and
39 enforce within its limits all such local police, sanitary and other regulations as are not in conflict
40 with general laws”. The County, in the interest of serving the public health, safety, and general
41 welfare may set additional standards to those of the state in relation to permitting certain uses by
42 zoning district and their accompanying controls, such as: bulk regulations, i.e.- height, minimum
43 setbacks, which then would influence minimum lot size, and development coverage

44
45 Applying development regulations is guided by WAC 365-197-040, and refers to “project
46 consistency” as a matter of definition. Per RCW 36.70A.030, “Development regulations” means
47 “controls placed on land use activities”. RCW 36.70B.020, defines “Project permit application”

1 as essentially the mechanism necessary to engage in those activities “authorized by a
2 comprehensive plan.”

3
4 Together these defined terms encapsulate the purpose of development standards as necessary to
5 protect the environment and culminate in a permit evaluated by criteria substantiated by a
6 community’s comprehensive plan, defines application types, and is outlined in the content of the
7 applications for both building permits and various land use approvals.

8

9 Consistency with the Comprehensive Plan:

10 Staff identified the following Comprehensive Plan Goals, and associated Objectives and Policies
11 to be applicable, and did not find the proposed regulations to be inconsistent with the goals and
12 policies in the Thurston County Comprehensive Plan:

- 13 • Chapter 2 – Land Use
- 14 ○ Goal 3: Land use planning and decisions making should ensure the highest degree
15 of public health, safety, and general welfare within a quality living environment
16 without unduly jeopardizing the rights of the individual.
- 17 ■ Objective C: Implementation of the Comprehensive Plan - Implement the
18 Comprehensive Plan through county programs and regulations
- 19 • Policy 3: Certainty, understanding, and efficiency of the permitting
20 process should be promoted.
- 21 • Policy 5: Regulations should be monitored to determine whether
22 they are accomplishing their intended purposes.
- 23 • Chapter 4 – Housing
- 24 ○ Goal 1: Enough housing should be available to meet the housing needs of the
25 existing and projected population of the county.
- 26 ■ Objective C: The County should work to reduce barriers to affordable
27 housing for low and moderate-income households.
- 28 • Policy 1. The County should reduce, where appropriate, regulatory
29 barriers and other requirements which add unnecessary costs and
30 thereby discourage affordable housing construction.

31

32 Countywide Planning Policies

33 The County, in association with its seven cities and towns, developed and adopted GMA-
34 required County-Wide Planning Policies. These now provide the planning framework that allows
35 community individuality while ensuring regional consistency on major policy issues.

36

37 Staff found the proposed amendment to be consistent with the following Countywide Planning
38 Policies:

- 39 • I. General Policies:
- 40 ○ 1.6 - Translate vision to policy and act on adopted local plans and policies.
41 Consider the effects of decisions on achieving this vision, while balancing
42 individual property rights with broader community needs and goals.
- 43 ○ 1.10 - Meet basic human needs of clean water and air, healthy food, adequate
44 housing, quality education, public safety, and equal access, regardless of socio-
45 economic status.
- 46 • III. Promotion of Contiguous and Orderly Development, Provision of Urban Services,
47 and Protection of Rural Areas:

- 1 ○ 3.4 – Provide capacity to accommodate planned growth
- 2 • VIII. Affordable Housing:
- 3 ○ 8.3 – Explore ways to reduce the costs of housing.
- 4 ○ 8.6 – Regularly examine and modify policies that pose barriers to affordable
- 5 housing.

7 **FINANCIAL IMPACT**

8 No quantifiable financial impacts have been identified at this time. Minimal staff time and
9 resources are required to process preliminary plat extensions.

10 **SUMMARY**

11 The development code amendment updates Chapter 18.12 “PRELIMINARY PLAT” to update
12 County regulations for preliminary plat extensions (18.12.150 TCC). The development code
13 amendment also updates Chapter 18.08 “DEFINITIONS” to update the definition of
14 “Department” (18.08.133 TCC). The proposed amendment provides time and flexibility for
15 developers to complete their projects in compliance with Thurston regulations.

16 **OPTIONS**

17 Staff initially Staff has developed two options for consideration to modify the plat extension
18 process. At the September 4th meeting, The Planning Commission selected to move forward with
19 one code option for the public hearing. The complete bill formatted code draft language can be
20 found in (Attachment A). The following are the pros and cons for the proposed options.

21 **A:** Do not amend Chapters 18.08 and 18.12 with the proposed code language.

22 **Pros:** No further staff time incurred for this project.

23 **Cons:** Larger subdivision projects may not be able to be completed within the current
24 timeframes allowed.

25 **B:** Amend Chapters 18.08 and 18.12 with proposed code language (Attachment A).

26 **Pros:** Simplifies regulations for extensions by classifying projects as either
27 phased/nonphased development, provides more time for extensions. Updates definition
28 of “department” from “resource stewardship” to “community planning and economic
29 development”.

30 **Cons:** The streamlined extension process could incentivize more development, which could
31 add demand for County infrastructure.

32 **DEPARTMENT RECOMMENDATION**

33 Staff recommends Option B, and requests the Planning Commission sign a letter of
34 recommendation for the Board of County Commissioners.

35 **SEPA**

36 An environmental determination for the proposed code amendment in unincorporated Thurston
37 County is required pursuant to WAC 197-11-704; and, will be completed prior to a public
38 hearing on the amendments before the Board of County Commissioners.

39 **NOTIFICATION**

40 This staff report was posted online and sent to the Community Planning and Economic
41 Development Department Community Planning Division’s webmail subscribers, and interested

1 parties on file with this action. Notification for this public hearing was posted online and
2 published in *the Olympian* and sent to webmail subscribers at least twenty (20) days prior to the
3 scheduled hearing.

4

5 **PUBLIC COMMENT**

6 Public comment is being collected at this public hearing.

7

8 **SOURCES**

9 The following organizations were sourced for this report; Thurston Long Range Planning,
10 Thurston Current Planning, Municipal Research and Services Center, and Various Local
11 Jurisdictions in Western Washington.

12

13 **ATTACHMENTS**

14 Attachment A: Proposed Amendment Draft Code – Bill Format

15

16 Q:\LONG RANGE PLANNING\DEV CODE AMENDMENTS 2018 TO 2019\A -17 Plat Extension

**Thurston County Community Planning and Economic Development
Department**

Community Planning Division

**THURSTON COUNTY PLANNING
COMMISSION DRAFT**

Chapters: 18.08 AND 18.12

October 16th, 2019

PLAT EXTENSIONS.

Chapter:

**18.08.133 (attachment-A)
18.12.150 (attachment-B)
(Amended)**

Deleted Text: ~~Strikethrough~~ Proposed Changes: Underlined
Staff Comments: *Italics* Unaffected Omitted Text ...

Development Docket Item A-17 (Preliminary Plat Extension of Time) proposes to change the method for approving extensions of time for preliminary plats (subdivisions) and modify the duration of the extension in Section 18.12.150 TCC. This development code update creates amends 18.08.133 TCC (Definitions) and 18.12.150 (Preliminary Plats).

ATTACHMENT – A: AMENDED CHAPTER, Platting and Subdivisions, Definitions (Title 18)

Chapter 18.08 - DEFINITIONS

Sections:

18.08.133 - Department.

"Department" means the ~~resource stewardship community planning and economic development~~ department, its director, or its designee, unless, otherwise specified in this title.

ATTACHMENT – B: AMENDED CHAPTER, Platting and Subdivisions, Preliminary Plat (Title 18)

Chapter 18.12 – PRELIMINARY PLAT

Sections:

18.12.150 – Duration of approval.

- A. Approval Length. Approval of the preliminary plat shall be effective for five years from the date of approval, during which time a final plat or plats may be submitted. During this time the terms and conditions upon which the preliminary approval was given will not be changed without the applicant's consent. A final plat meeting all requirements of this title shall be submitted to the board of county commissioners for approval within five years of the date of preliminary plat approval.

If the preliminary plat was approved before January 1, 2015, a final plat meeting all requirements of this title shall be submitted to the board of county commissioners for approval within seven years of the date of preliminary plat approval.

~~An applicant who files a written request with the department at least thirty calendar days before the expiration of this five year period shall be granted a one year extension of the approval period by the department; provided, that the department finds that the preliminary plat is consistent with the adopted comprehensive plan, is consistent with applicable public health and safety standards, and there are no emerging adverse environmental issues relevant to the project. If the department cannot make the above findings, the department shall schedule a public hearing before the hearing examiner to consider the requested one year extension of time, in accordance with the procedures of this title and Chapter 2.06 TCC.~~

B. Extensions.

1. Phased Development Extensions. Approved phased development may receive one two-year extension for each phase of the development, so long as at least one phase was given final approval within the two years prior to each subsequent extension request, in accordance with the criteria in subsection (C) of this section.
2. Nonphased Development Extensions. Except as otherwise provided in code, approved preliminary plats may receive one three-year extension in accordance with the criteria in subsection (C) of this section.

~~If the preliminary plat consists of more than two hundred living units or lots and one-half the total lots have received final plat approval, an applicant who files a written request with the department at least thirty calendar days before the expiration of the five year approval period may be granted up to five one-year extensions of the approval period by the department; provided, that a final plat has been filed each year. The department shall grant the extension of time upon finding that the preliminary plat is consistent with the adopted comprehensive plan, is consistent with applicable public health and safety standards and there are no emerging adverse environmental issues relevant to the project. If the department cannot make the above findings, the department shall schedule a public hearing before the hearing examiner to consider the requested one-year extension of time, in accordance with the procedures of this title and Chapter 2.06 TCC.~~

- ~~C. The provisions of subsection B of this section above shall apply to preliminary plats with more than two hundred lots applied for or approved prior to the effective date of the ordinance codified in this section.*~~
- ~~D. The hearings examiner may approve a preliminary plat with a provisional extended approval clause, allowing sequential one year extensions of the preliminary approval by the department, for up to ten years beyond the initial five year approval, for a total of fifteen years, subject to all of the following conditions and Section 18.12.150(E), below:~~
- ~~1. The preliminary plat meets the requirements of Chapter 20.30A, Planned Rural Residential Development;~~
 - ~~2. The preliminary plat includes four hundred or more residential units;~~
 - ~~3. The preliminary plat reflects phased development over a period that is between six and fifteen years; and~~
 - ~~4. The terms and conditions of preliminary approval may be changed if the legislative authority finds that a change of conditions creates a serious threat to the public health or safety in the subdivision.~~
- ~~EC. The department may grant up to ten one year extensions of preliminary approval for a preliminary plat that has been granted a provisional extended approval clause pursuant to Section 18.12.050(D), above, provided the following conditions are met~~Criteria for Extensions:

Title 18 – PLATTING AND SUBDIVISIONS
AMENDED Chapter 18.08 – DEFINITIONS
AMENDED Chapter 18.12 – PRELIMINARY PLAT
ATTACHMENT A: DELIBERATIVE STRIKETHROUGH DRAFT

1. The applicant must submit files a new written request with the department at least thirty calendar days before the expiration of the initial most recent preliminary approval period or a previously approved extension period;
2. The department finds that the preliminary plat is consistent with the adopted comprehensive plan, is consistent with applicable health and safety standards, and there are no emerging adverse environmental issues relevant to the project; ~~and~~
3. Phased developments must submit a phased development plan with their preliminary plat application; and A final plat has been filed each year for all previous one-year extensions.
4. The department finds that the extension for a preliminary plat does not exceed ten total years of extensions.

If the department cannot make the findings noted above, the department shall schedule a public hearing before the hearings examiner to consider the requested ~~one-year~~ extension of time, in accordance with the procedures of this title and Chapter 2.06 TCC.

~~FD.~~ Knowledge of the expiration date and initiation of a request for extension of approval time is the responsibility of the applicant. Thurston County is not responsible for providing notification prior to expiration.