

ORDINANCE 2009-1 (VERSION 2)

**AN ORDINANCE OF THE EATONVILLE TOWN COUNCIL AMENDING CHAPTER
17.20.110 OF THE EATONVILLE MUNICIPAL CODE TO ALLOW FOR LONGER
PRELIMINARY PLAT APPROVAL TIMELINES AND PHASING**

Whereas, it is the Town Council's desire to lengthen the amount of time allowed for preliminary plat construction for single phase and multiphase projects, and;

Whereas, this amendment is necessary due to the recent down turn in the economy and housing market and because of the increasing complexity of site development permitting including stormwater management, and;

Whereas, the included changes are consistent with RCW 58.17.140,

NOW, THEREFORE, the Town Council hereby amends ordinance 1992-9 section 3, EMC 17.20.110 as shown in strikethrough and underline mode as follows:

17.20.110 Council approval – Effect – Duration.

The approval of a preliminary plat by the Town Council is approval of the general acceptability of the layout and its relation to adjoining properties. Engineering detail shall remain subject to the approval of the public works director.

A. Approval of Final Drawings. After final approval of engineering drawings for the public facilities requested with an approved preliminary plat, the necessary permits may be issued and work commenced.

B. Issuance of Permits. Issuance of permits shall be contingent upon compliance with the conditions specified on the approval of the preliminary plat, approved water, sanitary sewer and storm drainage system, compliance with all engineering and survey requirements, other laws and regulations, state, local and federal, as may apply, and payment of all fees and bond obligation ~~bondings~~ as may be required.

C. ~~Time Limits~~—Approval-Plat Approval -Time Limits

1. Non Phased Plats. Town Council approval of preliminary plats which do not involve phasing shall be effective for five (5) years.
2. Phased Plats. Town Council approval of preliminary plats which include an approved phasing plan may be approved for longer than five (5) years but for no more than seven (7) years at the discretion of the Town Council and with the recommendation of the Planning Commission based on the complexity and size of the project and provided that the first phase of the plat be recorded within five (5) year of the preliminary approval date.
3. Mandatory Progress Deadlines. Regardless of whether a plat is approved as phased or not, each plat will expire early if not in compliance with the following progress deadlines unless extended pursuant to section D below:
 - a. Deadline for final engineering documents. Within 2 years of preliminary plat approval, final engineering documents must have been approved by the Public Works Director.
 - b. Earthwork. Within 2 years of preliminary plat approval, earthwork in accordance with approved clearing and grading, erosion control, and stormwater management plans must have commenced as verified by the Public Works Director.

Council approval of the preliminary plat shall be effective for two years. If the final plat has not been approved by the town within this time, the preliminary plat must be again submitted to the planning commission for review and approval as a new proposal; provided, a single review of a preliminary plat approval may be requested by the property owner or the owner's agent. Requests for renewal of the preliminary plat shall be filed with the director prior to the termination date of the preliminary plat. Renewal requests shall be submitted by the director to the planning commission. Standards applicable to planning commission review of preliminary plats shall be utilized in its review of renewal requests. Upon review, the planning commission may recommend granting or denial of the request or, at its option, upon presentation of evidence of changed conditions in the area, require a public hearing to be held in accordance with preliminary plat procedures.

D. One (1) Year Extensions. All preliminary plat time limits or deadlines as stated in section C above may be extended once for up to one (1) year if approved by the Town Council provided that phased preliminary plats shall not be valid for more than eight (8) years and non phased preliminary plats shall not be valid for more than six (6) years. Applicants seeking an extension shall file an application with the Town Clerk prior to the expiration of the preliminary plat. In considering an extension request the council shall consider the following:

1. The amount of construction remaining on the plat.
2. The minimum amount of time required to complete the plat.
3. The type of construction activities remaining and appropriate time of year for those activities.
4. Financial hardship of the applicant.
5. Impacts of an extension on adjacent property owners.

~~Upon planning commission recommendation for approval to the director of public works of the request for renewal, the director of public works shall extend the life of the preliminary plat an additional calendar year beyond the date of council approval for the extension. The action of the director of public works on the request for extension shall be final unless any aggrieved party files an appeal with the town council within 10 days of written notice of the director's action.~~


~~E. Appeal to the Council. Any appeal to the council of the director's action on a request for a one-year extension shall be according to the procedures and requirements provided for in EMC 17.20.090. (Ord. 92-9 § 3, 1992).~~

E. Plat Expiration. If the plat is not given final plat approval by the town council within the required timeframes including extension(s) then the preliminary plat must be resubmitted to the Planning Commission for review and approval as a new proposal.

F. Existing Preliminary Plats. Extensions for up to 6 years from the date of preliminary approval may be granted by the Town Council on preliminary plats previously approved by the Town Council and which have not received final plat approval. Preliminary plat owners seeking such an extension should file a written request with the town clerk. In considering an extension request the Council shall consider the amount of work remaining on plat construction, the amount of time which would be required to complete remaining improvements, the type of construction activities remaining and the appropriate time of year for those activities, financial hardship, and the impacts that an extension of the unfinished preliminary plat would have on adjacent property owners.

Passed by the Council of the Town of Eatonville at a regular meeting this 13th day of April, 2009.

ATTEST:

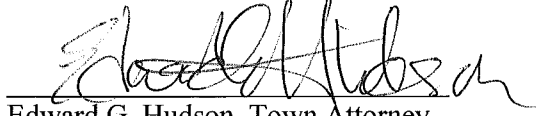


Chrystal McGlone, Town Clerk



Tom Smallwood, Mayor

APPROVED AS TO FORM:



Edward G. Hudson, Town Attorney