

TOWN OF EATONVILLE

Agenda Staff Report

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| Agenda Item No.: | _____ | Meeting Date: | <u>February 10, 2014</u> |
| Subject: | <u>Ordinance 2014-1 Amending</u> | Prepared by: | <u>Gregory Jacoby</u> |
| | <u>EMC 17.22.10 Regarding Time Limits</u> | | <u>Town Attorney</u> |
| | <u>For Submission of a Final Plat</u> | Atty Routing No: | <u>004-14</u> |
| | <u>(1st Reading)</u> | Atty Review Date: | <u>February 4, 2014</u> |

Summary: In recognition of the challenging economic conditions facing the developers of real property, the state legislature has on several occasions amended and extended the time limit for submitting a final plat to the local legislative body for approval. A copy of the relevant state statute, RCW 58.17.140, is attached. At present, the Eatonville Municipal Code does not identify any time limit for submitting a final plat. As a practical matter, no such reference is required because the time limit set forth in RCW 58.17.140 applies to all cities and towns regardless of what their municipal codes say. Nevertheless, staff believes it would be beneficial to include a reference to time limits for final plats in the Eatonville Municipal Code because it will remind staff and the public that time limits apply and must be strictly observed. Because the rules have become quite complicated and may well change in the near future, the proposed amendment merely references the state statute rather than a specific number of years.

It is also common in municipal codes to include text that allows an applicant to request additional time to submit the final plat subject to a determination by the legislative body that the extension is in the best interest of the town. This is not required by state law but provides the town with additional flexibility.

Recommendation: Staff recommends approval of Ordinance No. 2014-1 amending Eatonville Municipal Code section 17.22.010 by adding a reference to the time limit for submitting a final plat for approval.

Motion for consideration: I move to approve for first reading Ordinance No. 2014 - 1 amending Eatonville Municipal Code section 17.22.010 by adding a reference to the time limit for submitting a final plat for approval.

Fiscal Impact: None.

Attachments:

Ordinance No. 2014 -1
RCW 58.17.140

ORDINANCE NO. _____ 2014-1

AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON, AMENDING EATONVILLE MUNICIPAL CODE SECTION 17.22.010 BY ADDING A REFERENCE TO THE TIME LIMIT FOR SUBMITTING A FINAL PLAT FOR APPROVAL AND A PROCESS FOR SEEKING EXTENSIONS

WHEREAS, in recognition of the economic challenges facing the developers of real property, the state legislature has amended RCW 58.17.140 several times in recent years by extending the time limit for submitting a final plat for approval; and

WHEREAS, the Eatonville Municipal Code currently lacks any reference to the time limit for submitting a final plat to the town council for approval and does not allow for the time period to be extended; and

WHEREAS, the Town Council desires to clarify its Code and provide the public with more clarity as to the rules governing the submission of a final plat for approval; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE AS FOLLOWS:

Section 1. Eatonville Municipal Code section 17.22.010 is hereby amended to read as follows:

17.22.010 Final plat – Filing; time limit; extension.

A. Final plats shall be submitted for filing with the department of public works together with:

1. The original drawing and a mylar transparency prepared by a land surveyor licensed in the state of Washington and 10 prints; and
2. A final plat filing fee, the amount of which shall be set by town council resolution.

B. A final plat meeting all the requirements of this chapter shall be submitted to the town council for approval within the time limits set forth in RCW 58.17.140, as now or hereafter amended.

C. An applicant who files a written request with the town council at least 30 days before the expiration of the time limit set forth in RCW 58.17.140 may be granted an extension of up to two (2) years in length upon a showing that the applicant has attempted in good faith to submit the final plat within the statutory time period and upon such additional considerations as the

town council determines are in the best interests of the town and necessary to protect the public health and safety based on changes in circumstances since the date preliminary plat approval was granted. The fee for filing for an extension shall be as set forth in the town's fee resolution.

Section 2. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 02/10/2014

2ND READING: 02/24/2014

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this ____ day of February 2014.

Mike Schaub
Mayor

ATTEST:

Kathy Linnemeyer
Town Clerk

APPROVED AS TO FORM:

Gregory A. Jacoby
Town Attorney

RCW 58.17.140**Time limitation for approval or disapproval of plats — Extensions.**

(1) Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety days from date of filing thereof unless the applicant consents to an extension of such time period or the ninety day limitation is extended to include up to twenty-one days as specified under RCW 58.17.095(3): PROVIDED, That if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety day period shall not include the time spent preparing and circulating the environmental impact statement by the local government agency.

(2) Final plats and short plats shall be approved, disapproved, or returned to the applicant within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period.

(3)(a) Except as provided by (b) of this subsection, a final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within seven years of the date of preliminary plat approval if the date of preliminary plat approval is on or before December 31, 2014, and within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015.

(b) A final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within ten years of the date of preliminary plat approval if the project is not subject to requirements adopted under chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007.

(4) Nothing contained in this section shall act to prevent any city, town, or county from adopting by ordinance procedures which would allow extensions of time that may or may not contain additional or altered conditions and requirements.

[2013 c 16 § 1; 2012 c 92 § 1; 2010 c 79 § 1; 1995 c 68 § 1; 1986 c 233 § 2; 1983 c 121 § 3; 1981 c 293 § 7; 1974 ex.s. c 134 § 8; 1969 ex.s. c 271 § 14.]

Notes:

Applicability -- 1986 c 233: See note following RCW 58.17.095.

Severability -- 1981 c 293: See note following RCW 58.17.010.