

**CITY OF SULTAN
WASHINGTON**

ORDINANCE NO. 1258-17

**AN ORDINANCE OF THE CITY OF SULTAN,
WASHINGTON RELATED TO THE EXPIRATION OF
PRELIMINARY PLAT APPROVALS; AMENDING
SECTION 19.02.070 OF THE SULTAN MUNICIPAL CODE;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING
AN EFFECTIVE DATE**

WHEREAS, there are several plats within the City of Sultan (“City”), including planned unit developments, that received preliminary plat approval within the last six years but which have not yet been fully developed as a result of the recent recession; and

WHEREAS, developers within the City are working with City staff to complete construction and move toward final plat application, but cannot reasonably do so prior to the end of 2018; and

WHEREAS, RCW 58.17.140(3) provides that preliminary plat approvals obtained prior to December 31, 2014 expire if final plat application is not submitted within seven (7) years of the date of preliminary plat approval; and

WHEREAS, RCW 58.17.140(4) authorizes cities to extend the statutory expiration of preliminary plat approvals; and

WHEREAS, Section 19.02.070 of the Sultan Municipal Code (SMC) allows the City to grant a one-time, one-year extension of a preliminary plat approval; and

WHEREAS, the City Council has determined it is necessary to increase the one-time extension to a period of two years in order to promote economic growth and development within the City, and staff have prepared amendments to SMC 19.02.070 to accomplish that change and make additional housekeeping amendments to bring the Code up to date (the “Proposed Amendments”); and

WHEREAS, on January 20, 2017, the Proposed Amendments were sent to the Washington State Department of Commerce (“Commerce”) in accordance with RCW 36.70A.106, and Commerce granted expedited review on February 7, 2017; and

WHEREAS, on February 2, 2017, the Sultan Planning Board held a duly noticed public hearing to accept public testimony on the Proposed Amendments; and

WHEREAS, at the conclusion of the February 2, 2017 public hearing, the Planning Board voted to recommend approval of the Proposed Amendments; and

WHEREAS, the Proposed Amendments relate solely to governmental procedures and contain no substantive standards respecting use or modification of the environment and are therefore exempt from State Environmental Policy Act review under WAC 197-11-800(19); and

WHEREAS, the City Council has determined that the Proposed Amendments are consistent with the Sultan Comprehensive Plan and the Growth Management Act, and are necessary to promote the public health, safety and welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. SMC 19.02.070 (Time limitations and expiration of preliminary plat approval), Amended. Section 19.02.070 of the Sultan Municipal Code, entitled “Time limitations and expiration of preliminary plat approval,” is hereby amended as follows:

19.02.070 Time limitations and expiration of preliminary plat approval.

A. Expiration of preliminary plat approval. As provided by RCW 58.17.140, preliminary plats approved under the provisions of this title expire:

- 1. Five (5) years from the date of preliminary plat approval, if said approval is on or after January 1, 2015; or
- 2. Seven (7) years from the date of preliminary plat approval, if the date of said approval was on or before December 31, 2014.

B. Extensions Limited. The director may administratively authorize, through a Type I land use action, a one-time two-year extension of a preliminary plat approval. For purposes of this section, the authority to issue extensions shall apply to preliminary plat approvals previously issued by the city.

C. Extension Criteria. Extension may be issued one time for any preliminary subdivision plat approval, subject to the following criteria and conditions:

- 1. An applicant for an extension shall make a written request for the extension a minimum of 30 calendar days prior to expiration of the preliminary plat approval.
- 2. An extension approval shall be granted if the director or designee finds:
 - a. There have not been any substantial changes in the laws governing the development of the plat, with which lack of compliance would be contrary to the public health, safety and welfare; or

b. The applicant has pursued final platting diligently, as evidenced by progress on final surveying, engineering, construction or the financial security of improvements; or

c. There have been substantial changes in economic conditions and market forces that have substantively limited the ability of the applicant to pursue final platting.

3. Any extension approval shall be conditioned upon the applicant's compliance with federal, state, and local mandates related to life, health and safety in effect at the time the extension is approved.

4. Any extension approval may also be conditioned upon additional requirements which are determined by the director to be necessary to benefit the public health, safety and welfare.

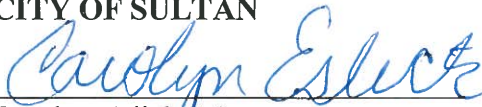
D. Expiration. A plat granted preliminary approval, but not filed for final plat approval within the time periods allowed by this section, shall be null and void.

Section 2. Severability. 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 pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

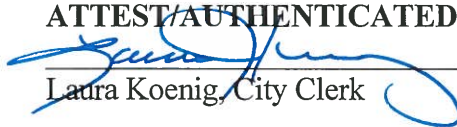
Section 3. Effective Date: This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 23rd DAY OF February, 2017.

CITY OF SULTAN


Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:



Laura Koenig, City Clerk

APPROVED AS TO FORM:



Hillary Evans Graber, City Attorney

Date of Publication: 03-01-17

Effective Date: 03-06-17