Ordinance No. 3898

(Amending or Repealing Ordinances)

CFN=458 – Subdivision Code
Passed – 12/9/2008
Short Plat Approval Expiration – Kent City Code 12.04.215
and Section 12.04.525

Amends Ords. 1840,3443,3511

Amended by Ord. 3906
ORDINANCE NO. 3898

AN ORDINANCE of the City Council of the City of Kent, Washington, amending sections 12.04.215 and 12.04.525 of the Kent City Code, both entitled "Short subdivision plat expiration," to extend the preliminary plat approval period from two (2) years to four (4) years.

RECITALS

A. Under the current subdivision code, applicants have two (2) years (one year plus a one year extension) to record a short plat which has been granted preliminary short subdivision approval. In many cases, two years has not been an adequate timeframe for applicants to obtain the required approval of engineering plans, construct or bond for required improvements, complete the final plat process, and record the short plat with the King County Assessor's Office. The current economic down turn appears to have exacerbated the need for additional time to record a final short plat. The City Council desires to expeditiously assist those who have made significant investments in their property and desire to complete current land use projects that have previously received approval.

B. This amendment extends the expiration period for complete short subdivision applications filed after the effective date of this

1 Short Plat Approval Expiration—KCC 12.04.215
ordinance. It also extends the expiration period for those short subdivision applications that received preliminary short plat approval, but have not expired as of the passage date of this ordinance. The City Council believes it is reasonable to protect the land use approvals that would expire between the passage date and the effective date of this ordinance.

C. On October 3, 2008, the City requested and was granted expedited review from the State of Washington under RCW 36.70A.106 of the City's intent to adopt the short plat expiration ordinance.

D. The City's SEPA responsible official has determined that the proposed code amendments are procedural in nature and further SEPA analysis is not required.

E. The development and public involvement process for the short plat expiration ordinance included the City's Land Use and Planning Board who held workshops during its meetings on August 11, 2008, October 13, 2008, and November 10, 2008. The Land Use and Planning Board also held public hearings on October 27, 2008 and November 24, 2008. The City's Planning and Economic Development Committee reviewed and discussed the short plat expiration ordinance at its meetings on October 13, 2008 and December 1, 2008. The City Council voted to adopt the short plat expiration ordinance on December 9, 2008.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

2  Short Plat Approval Expiration—
KCC 12.04.215
ORDINANCE

SECTION 1. - Amendment. Section 12.04.215 of the Kent City Code, entitled “Short subdivision plat expiration,” is amended as follows:

Sec. 12.04.215. Short subdivision preliminary plat expiration. Short subdivision preliminary plat approval shall lapse four (4) years from the date of preliminary plat approval unless a final plat based on the preliminary plat has been reviewed and approved by the city and recorded with King County. In addition, for those preliminary short subdivision approvals that have not expired as of the passage date of this ordinance, their expiration period shall be extended two (2) additional years, for a total of a four (4) year expiration period from the time of preliminary approval. If the short subdivision final plat is not filed within one (1) year of the date of preliminary plat approval, the short subdivision plat shall be null and void. Upon written request of the subdivider, the planning department may grant one (1) extension of not more than one (1) year. Such request must be received by the planning department prior to the one (1) year expiration date.

SECTION 2. - Amendment. Section 12.04.525 of the Kent City Code, entitled “Short subdivision plat expiration,” is amended as follows:

Sec. 12.04.525. Short subdivision preliminary plat expiration. Short subdivision preliminary plat approval shall lapse four (4) years from the date of preliminary plat approval unless a final plat based on the preliminary plat has been reviewed and approved by the city and recorded with King County. In addition, for those preliminary short
subdivision approvals that have not expired as of the passage date of this ordinance, their expiration period shall be extended two (2) additional years, for a total of a four (4) year expiration period from the time of preliminary approval. If the short subdivision final plat is not filed within one (1) year of the date of preliminary plat approval, the short subdivision plat shall be null and void. Upon written request of the subdivider, the planning department may grant one (1) extension of not more than one (1) year. Such request must be received by the planning department prior to the one (1)-year expiration date.

SECTION 3. - Savings. The existing sections 12.04.215 and 12.04.525 of the Kent City Code, which are amended by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

SECTION 4. - Severability. If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 5. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

SUZETTE COOKE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK
APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 9 day of December, 2008.
APPROVED: 9 day of December, 2008.
PUBLISHED: 13 day of December, 2008.

I hereby certify that this is a true copy of Ordinance No. 3898 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER (SEAL)
BRENDA JACOBER, CITY CLERK