ORDINANCE NO. 4194

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Section 12.04.221 of the Kent City Code, entitled "Subdivision preliminary plat expiration," to extend the validity period for preliminary plats approved between January 1, 2008 and December 31, 2008, for 15 additional months, upon the written request of the applicant.

RECITALS

A. In order to ease the effects of the housing market collapse on owners of subdivision development projects, 2012 state legislation lengthened the validity period for preliminary plats to provide extra time for developers to submit final plats for approval.

B. RCW 58.17.140 authorizes cities, by ordinance, to adopt procedures to allow extensions of time beyond those established per state law.

C. The current city code provides that subdivision preliminary plat approvals remain valid for the period of time specified in Chapter 58.17 RCW, plus one year.

D. Planning Staff and the City Council have received interest from the public in examining whether or not the dates and associated

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validity periods are appropriate to meet the purpose of the extensions, as they pertain specifically to the housing market in Kent.

E. At its regularly-scheduled meeting on January 11, 2016, the City Council’s Economic and Community Development Committee heard a presentation from Planning Staff regarding a narrowly-tailored amendment to the City’s current preliminary plat validity period. The Committee directed Staff to proceed with preparing an ordinance for further consideration by the Land Use and Planning Board (“LUPB”).

F. After reviewing the matter, Staff prepared an ordinance that would grant one additional one-year extension to projects approved in 2008, provided that an applicant submit a written request for extension prior to the expiration date of the original preliminary plat approval. While Staff believes that a change is warranted in the interest of fundamental fairness, only a small handful of development projects in the city of Kent would potentially qualify for this additional extension.

G. On February 19, 2016, the City requested expedited review under RCW 36.70A.106 from the Washington State Department of Commerce regarding the City’s proposed amendment. On March 2, 2016, the Department of Commerce determined that the notice requirements of the State’s Growth Management Act (GMA) had been met. No comments were received from State agencies.

H. On March 14, 2016, the LUPB held a public hearing regarding the proposed code amendment related to limited plat extensions. After considering the matter, the LUPB voted to recommend approval of the proposed amendment to the City Council.

I. The Economic and Community Development Committee considered the recommendation of the LUPB at its regularly-scheduled
meeting on April 11, 2016, and moved to amend Staff's original proposal to increase the extension period from 12 months to 15 months instead. The Committee then recommended to the full City Council adoption of the proposed code change, as amended.

J. At its regularly-scheduled meeting on April 19, 2016, the City Council voted to adopt the revised amendment to Section 12.04.221 of the Kent City Code, allowing certain limited preliminary plat extensions.

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

ORDINANCE

SECTION 1. - Amendment. Section 12.04.221 of the Kent City Code is hereby amended as follows:

Sec. 12.04.221 Subdivision preliminary plat expiration.

A. Subdivision preliminary plat approval shall remain valid for that period of time specified in Chapter 58.17 RCW, plus one (1)-year. During this period, an applicant must submit a final plat based on the preliminary plat, or any phase thereof, and meeting all of the requirements of this chapter and Chapter 58.17 RCW, to the city council for approval, or the preliminary plat shall lapse and become void.

B. For preliminary plats approved between January 1, 2008, and December 31, 2008, one extension of 15 months shall be granted to an applicant who files a written request for extension with the economic and community development department prior to the expiration of the preliminary plat's validity period, as provided in subsection (A), above.
C. In the case of a phased subdivision, final plat approval by the city council of any phase of the subdivision preliminary plat will constitute an automatic one-year extension for the filing of the final plat for the next phase of the subdivision.

**SECTION 2.** *Severability.* If any one or more section, subsection, or sentence of this ordinance is 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 3.** *Corrections by City Clerk or Code Reviser.* Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

**SECTION 4.** *Effective Date.* This ordinance shall take effect and be in force 30 days from and after its passage as provided by law.

Suzette Cook, Mayor

Suzette Cooke, Mayor

ATTEST:

Ronald F. Moore, MMC

Ronald F. Moore, City Clerk

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

Amend KCC 12.04.221 - Re: Preliminary Plat Expiration
PASSED: 19th day of April, 2016.
APPROVED: 19th day of April, 2016.
PUBLISHED: 22nd day of April, 2016.

I hereby certify that this is a true copy of Ordinance No. 4194 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

(SEAL)
RONALD E. MOORE, CITY CLERK