

ORDINANCE 1266

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING TITLE 16 SMC SUBDIVISION, CHAPTER 16.15 PRELIMINARY PLATS AND CHAPTER 16.20 FINAL PLATS , AMENDING TITLE 3 SMC REVENUE AND FINANCE, CHAPTER 3.30 FEE SCHEDULE, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Stanwood City Council approved a work program for amendments to the duration of approval for plats on August 13, 2009 and referred that work program to the Planning Commission for review; and

WHEREAS, the Planning Commission held a pre-application meeting to consider these issues on January 21, 2010; and

WHEREAS, the Community Development Department filed Application LZCA 10-02 on January 26, 2010; and

WHEREAS, the City of Stanwood SEPA Responsible Official issued a threshold determination of non-significance on January 27, 2010; and

WHEREAS, on February 22, 2010, a public hearing was held by the Planning Commission, and all persons wishing to provide public input concerning the docketed requests were heard; and

WHEREAS, public notice of the above-referenced public hearing was provided as required by law; and

WHEREAS, the Planning Commission made a recommendation to the City Council on February 22, 2010; and

WHEREAS, the City Council met on April 8, 2010 to consider the Planning Commission's recommendation on the proposed zoning text amendments; and

WHEREAS, pursuant to RCW 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt the proposed change in regulations;

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

Section 1. Title 16 SMC Subdivision , Chapter 16.15 Preliminary Plats, **Section 16.15.140 Duration of Approval** is hereby amended to read as follows:

16.15.140 Duration of approval.

(1) Approval of the preliminary plat shall be effective for ~~five~~ seven years from the date of approval during which time a final plat or plats may be submitted, provided that this provision shall expire December 31, 2014, consistent with RCW 58.17.140 as amended by the 2010 State Legislature in SSB 6544, on which date the effective period for the preliminary plat shall be five years . During the effective period of the preliminary plat, the terms and conditions upon which the preliminary approval was given shall not be changed.

(2) ~~An applicant who files a written request with the planning director at least 30 days before the expiration of this two-year period shall be granted one one-year time extension by the planning commission upon showing that the applicant has attempted in good faith to submit the final plat within the two-year period; provided further, a~~ An applicant who files a written request with the planning community development department prior to the expiration of the plat approval one one-year time extension may be granted additional extension(s) for not more than one year at a time by the city council. If this additional extension of time is approved, the preliminary plat shall be subject to all new and amended regulations, requirements, policies or standards that are adopted or in effect at the time the additional extension is granted.

(3) Knowledge of expiration date and initiation of a request for extension of approval time is the responsibility of the applicant. The city shall not be held accountable for notification, although it may notify an applicant of date of expiration. All requests for an extension of time must be submitted prior to expiration of the preliminary plat or any prior extensions, whichever is applicable. (Ord. 1110 § 2, 2002).

Section 2. Title 16 SMC Subdivision, Chapter 16.15 Preliminary Plats, **Section 16.15.150 Alterations** is hereby amended to read as follows.

16.15.150 Alterations.

~~Once the preliminary plat has been submitted it shall not be altered unless approved by the public works director and/or the planning director. If the alteration is found to be of a substantial nature, then it shall be required that the plat be resubmitted in compliance with this code.~~

Amendments.

(1) Minor amendments to a preliminary plat may be approved by the community development director. To be considered a minor amendment, the amendment must:

- a. Constitute ~~less than a ten percent (10%) change in the approved plat, and~~
- b. Constitute less than a ten percent (10%) increase in area or density of the approved plat and
- c. Not have a significantly greater impact on the environment and facilities than the approved plat.

(2) All amendments determined to not be "minor" shall be processed as major amendments, which shall require a new application in compliance with this chapter.

Section 3. Title 16 SMC Subdivision, Chapter 16.20 Final Plats, **Section 16.20.010 Final plat submittal** is hereby amended to read as follows.

16.20.010 Final plat submittal.

Within ~~two years after approval~~ the effective period for the preliminary plat authorized in SMC 16.15.140(1) or at the end of the extension period granted in SMC 16.15.140(2) of the preliminary plat, the subdivider shall prepare a final plat in conformance with the preliminary plat (or portion thereof), as approved, and submit it to the ~~planning community development~~ director, The application which shall consist of the application form and other materials as required by the associated application checklist provided by the community development department. (Ord. 1110 § 2, 2002).

Section 4. Title 16 SMC Subdivision, Chapter 16.20 Final Plats is amended by adopting **Section 16.20.065 Duration of Approval** to read as follows:

Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of seven years from the date of filing. A subdivision shall be governed by the terms of approval of the final plat and the statutes, ordinances, and regulations in effect at the time of approval under Chapter 16.15 SMC unless the city council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision, provided that this provision shall expire December 31, 2014, consistent with RCW 58.17.140 -as amended by the 2010 State Legislature in SSB 6544, on which date the effective period for the final plat shall be five years .

Section 5. Title 3 SMC Revenue and Finance, Chapter 3.30 Fee Schedule, **Section 3.30.050 Fees for subdivision and division of property without formal platting** is hereby amended to read as follows.

3.30.050 Fees for subdivision and division of property without formal platting.

All fees apply to subdivisions and dividing of property without going through a formal subdivision process:

Preliminary plat	\$950.00 + \$125.00 per lot (includes 1st engineering review fee; additional reviews provided at actual cost)
Final plat	\$700.00 + \$125.00 per lot <u>plus engineering and legal review at actual cost</u>
Short subdivision	\$700.00 + \$500.00 per lot (includes 1st engineering review fee; additional reviews provided at actual cost)
Planned Residential Development (PRD):	
Preliminary PRD	\$950.00 + \$125.00 per lot (includes 1st engineering review fee; additional reviews provided at actual cost)

Final PRD	\$700.00 + \$125.00 per lot
Commercial Subdivision or Binding Site Plan:	\$850.00 + \$125.00 per lot (includes 1st engineering review fee; additional reviews provided at actual cost)
Short <u>Minor</u> plat amendment	\$350.00 <u>plus engineering and legal review at actual cost</u>
Long <u>Major</u> plat amendment	\$950.00 <u>plus engineering and legal review at actual cost</u>

(Ord. 1171 § 3, 2005; Ord. 1047A, 1999; Ord. 1047, 1998; Ord. 933, 1995; Ord. 926, 1995; Ord. 901 § 3, 1994; Ord. 884 § 1, 1993; Ord. 878 § 11, 1993).

Section 6

Having reviewed all of the record made before the Planning Commission and the record before the City Council, the Findings of Fact and Conclusions attached hereto as Exhibit I are hereby adopted and incorporated by this reference.

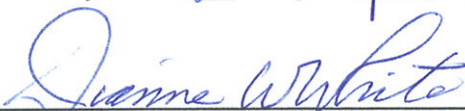
Section 7

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 8


This Ordinance shall take effect 60 days after its publication by summary.


PASSED by the City Council and signed by the Mayor this 8th day of April, 2010.

By: 
Dianne W. White, Mayor

Attest:

Approved as to form:

By: 
Melissa A. Collins, City Clerk

By: 
Grant K. Weed, City Attorney