

Memo

To: City Plan Commission

From: Ken Pelton, Principal Planner

Date: **10/17/2013**

Re: Draft Amendments to SMC Chapter 17G.080 Subdivision Code

For your consideration during your workshop on October 23 I have prepared suggestions for amendments to the SMC Chapter 17G.080 Subdivisions. These revisions are proposed to be added to the package of amendments to the Unified Development Code Maintenance Project. If these additional changes are acceptable, they will be added to the package of amendments included in the Unified Development Code Maintenance Project. This is on the agenda for a hearing on December 11.

Please let me know if you have any questions. Thank you.

509 625-6063 or Kpelton@spokanecity.org

CODE SECTIONS

Section 17G.080.020 General Provisions. C. Expiration of Approval.
Section 17G.080.020 General Provisions. L. Extensions of Time.
Section 17G.080.020 General Provisions. M. Sunset Provision.

RECOMMENDED CHANGES TO CODE SECTIONS

17G.080.020

C. Expiration of Approval.

~~Approval of a preliminary subdivision, short subdivision or binding site plan shall automatically expire five years after preliminary approval is granted, except that a time extension may be granted. A final plat, final short plat or final binding site plan meeting all requirements of Chapter 17G.080 Subdivisions shall be submitted to the director within the following timelines: If the preliminary plat, preliminary short plat or preliminary binding site plan was approved on or before December 7, 2007, the final plat, final short plat or final binding site plan must be submitted within nine years of the preliminary approval. If the preliminary plat, preliminary short plat or preliminary binding site plan was approved after December 7, 2007 but on or before December 31, 2014, the final plat, final short plat or final binding site plan must be submitted within seven years of the preliminary approval. A preliminary plat, preliminary short plat or preliminary binding site plan approved after January 1, 2015 must be submitted for final plat within five years of the preliminary approval.~~
A time extension may be requested for a preliminary subdivision plat, short subdivision plat or preliminary binding site plan, as provided in subsection (M~~L~~) of this section.

Or, as an alternative:

17G.080.020

C. Expiration of Approval.

~~Approval of a preliminary subdivision, short subdivision or binding site plan shall automatically expire five years after preliminary approval is granted, except that a time extension may be granted. A final plat, final~~

short plat or final binding site plan meeting all requirements of Chapter 17G.080 Subdivisions shall be submitted to the director within the timelines of RCW 58.17.140. A time extension may be requested for a preliminary subdivision plat, short subdivision plat or preliminary binding site plan, as provided in subsection (M) of this section.

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L. Extensions of Time.

An approved preliminary subdivision plat, short plat and binding site plan may receive a one-time, one-year time extension.

1. The applicant shall comply with all of the following:
 - a. The extension request shall be filed with the director at least thirty days prior to the expiration of the approval.
 - b. The applicant must have finalized at least one phase.
 - c. The application shall demonstrate that construction plans have been submitted and are under review for acceptance by the City prior to submission for extension or that the applicant is in the process of installing infrastructure for the development.
 - d. The project shall be consistent with the comprehensive plan.
 - e. The applicant shall demonstrate that there are no significant changes in conditions that would render approval of the extension contrary to the public health, safety or general welfare; and
 - f. Valid concurrency certificate.
2. The director shall take one of the following actions upon receipt of a timely extension request:
 - a. Approve the extension request if no significant issues are presented under the criteria set forth in this section.
 - b. Conditionally approve the application if any significant issues presented are substantially mitigated by minor revisions to the original approval; or
 - c. Deny the extension request if any significant issues presented cannot be substantially mitigated by minor revisions to the approved plan.
3. A request for extension approval shall be processed as a Type I action under chapter 17G.060 SMC.

M. ~~Sunset Provision.~~

- ~~1. For subdivision applications with preliminary approval on or before the effective date of this ordinance, the time remaining to complete final plat approval for all lots is the remainder of the five years allowed by chapter 58.17 RCW. In this case, the applicant may receive a one-time extension of one year under the provisions of subsection (L) of this section. Allowed up to 6 years (expired March 30, 2011)~~
- ~~2. For subdivision applications with final plat approval for one or more phases on or before the effective date of this ordinance, the time remaining to complete final plat approval for all lots is the greater of either the remainder of the five years allowed by chapter 58.17 RCW or three years from the effective date of the ordinance codified in this chapter. Allowed up to 3 years (expired March 30, 2008)~~
- ~~3. Extensions of the Sunset Provision.
The director may grant five-year extensions to the time period under subsection (M)(2) of this section for preliminary subdivisions upon the following: Allowed up to 8 years (expired March 30, 2013)~~
 - ~~a. An application with supporting data for a time extension request must be submitted to the director no less than thirty days prior to the expiration of the preliminary subdivision.~~
 - ~~b. The preliminary subdivision has a minimum of one hundred lots or dwelling units~~

- ~~remaining to be finalized as of the effective date of the ordinance codified in this chapter.~~
- ~~c. The applicant must have finalized at least one phase including the installation of infrastructure and recording of lots, by the end of the three years granted under subsection (M)(2) of this section or since the last time extension.~~
 - ~~d. The application shall demonstrate compliance with all of the following:
 - ~~i. The project is consistent with the comprehensive plan.~~
 - ~~ii. The project is consistent with current development standards; and~~
 - ~~iii. The project has a valid concurrency certificate. This certificate may be based on a new review of the project or extension of an existing concurrency certificate.~~~~
 - ~~e. Provided all of the conditions in subsections (M)(3)(a) through (d) of this section are met, the director may include additional or altered conditions and requirements to the preliminary plat approval. A time extension granted as a result of administration delays are not subject to additional or altered conditions.~~
 - ~~f. The director shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant and those parties requesting a copy of the decision. Appeals of the time extension shall be filed consistent with the provisions of chapter 17G.050 SMC.~~

EXPLANATION FOR WHY CHANGES ARE RECOMMENDED

Section 17G.080.020 General Provisions. C. Expiration of Approval.

The purpose of the change is to bring the Subdivision Code into alignment with the state subdivision law related to expiration of preliminary plats, RCW 58.17.140.

The advantage of the first alternative is that it provides clear standards. The second alternative points directly to the state law and would avoid the need to amend the Subdivision Code again when the state law changes.

Section 17G.080.020 General Provisions. L. Extensions of Time.

The purpose of the change is to make the terminology consistent between subsections C. and L.

Section 17G.080.020 General Provisions. M. Sunset Provision.

The Sunset Provision was intended to address expiration of preliminary plats that were approved before the adoption of the Subdivision Code on March 30, 2005. Some of these preliminary plats dated back to the 1980's and had 100 or more lots. All of them had one or more phases that had final plats approved and recorded. It was the practice prior to 2005 to not expire preliminary plats in which a phase was final platted. The Sunset Provision recognized this practice and gave those plats additional time to be finalized.