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**City of Spokane
Planning and
Development**

To: City Council President Ben Stuckart and City Council Members

From: Ken Pelton, Principal Planner

Date: **5/28/2014**

Re: UDC Maintenance Plan Commission Recommendations

Please see the attached document which contains the items that are included in the Unified Development Code Maintenance Project for 2013. The Plan Commission held a public hearing on December 11, 2013 and recommends approval of these amendments.

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

509 625-6063 or Kpelton@spokanecity.org

Unified Development Code Maintenance Project

Introduction:

The attached document represents the list of recommended amendments to the Spokane Municipal Code.

To help understand the types of changes that are recommended, the amendments are generally categorized under three types.

The three types are:

Minor: These include changes such as corrections to cross references or moving code sections directly from chapter 11.19 to Title 17 without changing their substance.

Clarification: These include changes such as fixing conflicting provisions within the code, or fixing code provisions that were either oversights or mistakes when the code was adopted.

Substantive: These include changes such as adjusting permitted uses, adjusting a development standard, or improving the practical application of the code.

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TOPICS, COMMENTARIES, PROPOSED AMENDMENTS

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
Chapter 17A.020 Definitions			
17A.020.030 "C" Definitions	Minor	Update definition of Critical Areas	Refers to the definition in the RCW for critical areas so the definition in the SMC and the RCW are consistent, and aligns the critical area terminology with the RCW terminology.
<p>Section 17A.020.030 "C" Definitions</p> <p>TT. Critical Areas. <u>As defined under chapter 36.70A RCW, or as amended, Any areas of frequently flooding flooded areas, geologically hazardous areas, fish and wildlife habitat conservation areas, aquifer sensitive areas, or wetlands as defined under described in chapter 17E.010 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC, and chapter 17E.070.SMC.</u></p>			
17A.020.060 "F" Definitions	Minor	Update definition of Floodway	Refers to the definition in the RCW for floodway so the definition in the SMC and the RCW are consistent.
<p>Section 17A.020.060 "F" Definitions</p> <p>R. Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. <u>As defined under Section 90.58.030 RCW, or as amended.</u></p>			

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
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Title 17C Land Use Standards

<p>Table 17C.110-1 Residential Zone Primary Uses</p>	<p>Minor</p>	<p>Correction needed to align with previously adopted ordinance #C34717.</p>	<p>Table 17C.110-1 was amended by Ordinance #C34717 to change Daycare to an outright permitted use in the RMF and RHD zones. Table 17C.110-1 was incorrectly amended by Ordinance #C34911 to change Daycare from an outright permitted use to a limited use in the RMF and RHD zones. Table 17C.110-1 needs to be corrected to show that Daycare is an outright permitted use as amended by Ordinance #C34717.</p>
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**Table 17C.110-1
RESIDENTIAL ZONE PRIMARY USES**

Use is: P - Permitted N - Not Permitted L - Allowed, but special limitations CU - Conditional Use review required	RA	RSF & RSF-C	RTF	RMF	RHD
Institutional Categories					
Basic Utilities [3]	L	L	L	L	L
Colleges	CU	CU	CU	P	P
Community Service	L[4]/CU	L[4]/CU	L[4]/CU	P	P
Daycare [5]	L	L	L	L P	L P
Medical Center	CU	CU	CU	CU	CU
Parks and Open Areas	P	P	P	P	P
Religious Institutions	L[6]/CU	L[6]/CU	L[6]/CU	P	P
Schools	L[7]/CU	L[7]/CU	L[7]/CU	P	P

Notes:

- The use categories are described in chapter 17C.190 SMC.
- Standards that correspond to the bracketed numbers [] are stated in SMC 17C.110.110.
- Specific uses and development may be subject to the standards in SMC 17C.320.080-110.115 through 17C.110.575.

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
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Table 17C.110-3 Development Standards

<p>Table 17C.110-3 Development Standards – “Notes”</p>	<p>Minor</p>	<p>Correction needed to align with previously adopted ordinances.</p>	<p>Footnote 6 was amended by Ordinance #C34717 to change allowed structure height in a rear yard from seventeen feet to twenty feet. Table 17C.110-3 was incorrectly amended by Ordinance #C34911 to change renumbered footnote 6 (renumbered to footnote 4) to permit a maximum structure height of seventeen feet rather than twenty feet as was previously amended by Ordinance #C34717.</p> <p>Footnote 13 was amended by Ordinance #C34717 to change the setback requirement for a covered accessory structure. Table 17C.110-3 was incorrectly amended by Ordinance #C34911 to change renumbered footnote 13 (renumbered to footnote 11) by not including the underlined text below: Setback for a detached accessory structure <u>and a covered accessory structure</u> may be reduced to zero feet with a signed waiver from the neighboring property owner, except, as specified in SMC 17C.110.225(C)(5)(b).</p>
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**TABLE 17C.110-3
DEVELOPMENT STANDARDS [1]**

Notes:

-- No requirement

[1] Plan district overlay zone or SMC 17C.110.300, Alternative Residential Development, may supersede these standards.

[2] Lots created through subdivision in the RA, RSF and the RSF-C zones are subject to the lot size transition requirements of SMC 17C.110.200(C)(1).

[3] FAR may be increased to 0.65 for attached housing development only.

[4] No structure located in the rear yard may exceed ~~seventeen~~ twenty feet in height.

[5] Base zone height may be modified according to SMC 17C.110.215, Height.

[6] Attached garage or carport entrance on a street is required to be setback twenty feet from the property line.

[7] See SMC 17C.110.220(D)(1), setbacks regarding the use of front yard averaging.

[8] See SMC 17C.110.220(D)(2), setbacks regarding reduction in the rear yard setback.

[9] Attached garages may be built to five feet from the rear property line except, as specified in SMC 17C.110.225(C)(6)(b), but cannot contain any living space.

[10] Maximum site coverage for accessory structures is counted as part of the maximum site coverage of the base zone.

[11] Setback for a detached accessory structure and a covered accessory structure may be reduced to

zero feet with a signed waiver from the neighboring property owner, except, as specified in SMC 17C.110.225(C)(5)(b).
 [12] The setback for a covered accessory structure may be reduced to five feet from the property line.

17C.120.110 Limited Use Standards	Minor	Add reference to additional standards for “Drive-through Facility”	
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Section 17C.120.110 Limited Use Standards

The paragraphs listed below contain the limitations and correspond with the bracketed [] footnote numbers from Table 17C.120-1.

4. Drive-through Facility.
 This regulation applies to all parts of Table 17C.120-1 that have a [4]. In the O and OR zones, a drive-through facility is permitted only when associated with a drive-through bank. In addition, in the OR zone, for a florist use approved by a special permit, sales of non-alcoholic beverages, and sale of food items not prepared on site, including drive-through sales of such items are allowed as an accessory use at locations situated on principal arterials or a designated state route. Drive-through facilities are subject to the additional standards of SMC 17C.120.290 and SMC 17C.325.

Table 17C.124-2 Development Standards	Substantive	Remove minimum lot size and lot depth, and reduce minimum front lot line in downtown zones.	Removing lot size and lot depth standards allows more flexibility in the creation of lots for dense urban development. None of the other commercial zoning categories have minimum lot size or minimum lot depth standards. It is important to maintain the requirement for a minimum front lot line so lots have street access.
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Table 17C.124-2 Development Standards [1]

Standard	DTC (Downtown Core)	DTG (Downtown General)	DTU (Downtown University)	DTS (Downtown South)
Maximum FAR [2]	No Limit	6	6	4
Maximum height [3]	No Limit	12 Stories [3]	12 Stories [3]	12 Stories [3]
Minimum setback from street lot line [4,5]	0 ft.	0 ft.	0 ft.	0 ft.
Minimum setback from R-zoned lots [5]	10 ft.	10 ft.	10 ft.	10 ft.
Minimum setback from lot lines [5]	0 ft.	0 ft.	0 ft.	0 ft.
Minimum lot size	2,500 sq.ft.	2,500 sq.ft.	2,500 sq.ft.	2,500 sq.ft.
Minimum front lot line	<u>10</u> 25 ft.	<u>10</u> 25 ft.	<u>10</u> 25 ft.	<u>10</u> 25 ft.
Minimum lot depth	80 ft.	80 ft.	80 ft.	80 ft.
Landscaping required [6]	[6]	[6]	[6]	[6]
Parking required [7]	[7]	[7]	[7]	[7]

17C.200.020 Plan Submittal Requirements	Minor	Require landscaping plan for higher density housing projects.	The suggested revision clarifies the uses which require preparation of a landscape plan for submittal along with a building permit application. Landscape plans are not usually necessary for a house, an attached house or a duplex on an individual lot. However, a landscaping plan is needed for higher density housing projects as well as multiple houses, attached houses, and more than one duplex on a single lot.
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Section 17C.200.020 Plan Submittal Requirements

Landscape plans are not required for a houses, an attached houses ~~and or a duplexes~~ on a lot. For all other types of development on sites, including planned unit developments, of more than seven thousand square feet of lot area, landscape plans shall:

- A. be prepared and stamped by a licensed landscape architect, registered in the state of Washington;
- B. be submitted at the time of application for a development permit; and
- C. include the following elements:
 - 1. The footprint of all structures.
 - 2. The final site grading.
 - 3. All parking areas and driveways.
 - 4. All sidewalks, pedestrian walkways and other pedestrian areas.
 - 5. The location, height and materials for all fences and walls.
 - 6. The common and scientific names of all plant materials used, along with their size at time of planting.
 - 7. The location of all existing and proposed plant materials on the site.
 - 8. A proposed irrigation plan; and
 - 9. Location of all overhead utility and communication lines, location of all driveways and street signs.

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
Chapter 17E.060 Shoreline Master Program			
17E.060.280 Physical and Visual Public Access	Minor	Fix incorrect references	
<p>Section 17E.060.280 Physical and Visual Public Access</p> <p>D. Except as provided in SMC 17E.060.2890(U) and (V), and subject to the limitations set forth in SMC 17E.060.2890(A), public access shall be provided for any new development activity that requires a shoreline substantial development permit, conditional use permit, and/or variance permit where any of the following conditions are present:</p> <ol style="list-style-type: none"> 1. Where a new development activity will create increased demand for public access to the shoreline, the development shall provide public access proportional to the degree of impact as mitigation. 2. Where a new development will interfere with an existing public access way, the development shall provide public access to mitigate this impact. Such interference may be caused by blocking access or by discouraging use of existing on-site or nearby accesses; or 3. Where a new development will interfere with a public use of lands or waters waterward of the ordinary-high-water-mark, the development shall provide public access. 4. 			

Table 17E.060-4 Shoreline Primary Uses	Minor	Correct a conflict between “Boating Facilities” and “Water Enjoyment Recreational Facilities” for launch ramps in the WWTP Shoreline Environment.	“Water enjoyment recreation” includes boat ramps. Therefore, the two categories were in conflict in the WWTP Environment. The change will treat both “Launch ramps for small non-motorized water-craft” and “Water-enjoyment recreation” as a conditional use (CU).
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**Table 17E.060-4
Shoreline Primary Uses**

Use is: P: Permitted (with shoreline substantial development permit or exemption) N: Not permitted L: Allowed, but special limitations CU: Conditional use review required	Shoreline Environments					
	<i>NE</i>	<i>UCE</i>	<i>SRE</i>	<i>LUE</i>	<i>IUE</i>	<i>WTPE</i>
Boating Facilities						
Marinas	N	N	N	N	N	N
Launch ramps for small non-motorized water-craft	CU	CU	CU	CU	N	CU
Recreational Development						
Water-dependent recreation	CU	CU	CU	CU	CU	N
Water-related recreation	CU	CU	CU	CU	CU	N
Water-enjoyment recreation	L ^[7] /CU	CU	CU	CU	CU	N CU
Non-water oriented recreation	N	CU	CU	CU	CU	N

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
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Title 17G Administration and Procedures

17G.050.310 Right of Appeal	Minor	Provide clearer procedures for the appeal of land use decisions.	The changes remove confusing appeal references and provide a direct link to the SMC section that specifies the appropriate appeal body.
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Section 17G.050.310 Right of Appeal

- A. The applicant ~~of or~~ a person with standing as defined in chapter 17A.020 SMC may appeal to the hearing examiner a decision of the director of planning services, engineering services, the building official, the responsible official under SEPA as provided in SMC 17G.060.210 and the landmarks commission related to applications for certificate of appropriateness and determination of eligibility under SMC 17D.040.230 by filing with the permit application department a written appeal within fourteen days of the date of the written decision.
- B. The applicant, a person with standing, or a City department may appeal ~~to the city council any decision of the~~ decisions of the hearing examiner, ~~except as provided in~~ as provided in SMC 17G.060.210, ~~by filing with the permit application department a written appeal within fourteen days of the date of the written decision of the hearing examiner.~~

17G.060.075 Shoreline Substantial Development Permit Letter of Exemption	Minor	Fix incorrect references	
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Section 17G.060.075 Shoreline Substantial Development Permit Letter of Exemption Procedure

- A. State law and the shoreline master program specifically exempt certain types of development from the requirement of obtaining a shoreline substantial development permit. The types of development that are exempted are listed in SMC 17E.060.3200 and WAC 173-27-040. No exempt development, use or activity shall be undertaken within the jurisdiction of the Shoreline Management Act (chapter 90.58 RCW or its successor) and the shoreline master program unless a statement of exemption has been obtained from the director. Burden of proof that a development or use is exempt from the permit process is on the applicant.
- B. Application procedure for a letter of exemption from a shoreline substantial development permit is the same as for any shoreline permit as defined in SMC 17G.060.070 with these additional application materials:
 - 1. Written explanation of exemption type as defined in SMC 17E.060.3200 and WAC 173-27-040.
 - 2. A contractor’s bid to verify the total cost or fair market value of the proposal including labor and material, if the proposed exemption category is below the dollar threshold defined in WAC 173-27-040.

3. A statement from a structural engineer licensed by the State of Washington to verify the need for immediate action, in order to address the imminent threat to public health and safety on the property, if proposed exemption category is for emergency construction as defined in WAC 173-27-040.

C. All development within the shoreline, even when an exemption from the requirement of a substantial development permit is granted, must be consistent with the policies of the Shoreline Management Act and the shoreline master program. Conditions may be attached to the approval of a shoreline exemption in order to assure consistency of the project with the Shoreline Management Act and the shoreline master program (WAC 173-27-040).

D. A letter of exemption from a shoreline substantial development permit is not always an exemption from a shoreline conditional use permit or a shoreline variance. A development or use that is listed as a conditional use pursuant to the SMP regulations or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance (WAC 173-27-040).

E. In the case of shoreline projects with federal permit review and upon completion of a letter of exemption, the director must submit to ecology:

1. Letter of exemption.
2. Site plan.
3. What is being approved; and
4. Conditions of approval.

It must also state the specific exemption provision from WAC 173-27-040 and SMC 17E.060.3200 and provide a summary of analysis of the consistency of the project with the SMP and the SMA. It shall contain any SEPA determination made and include the permit data sheet and transmittal letter form (WAC 173-27-990 Appendix A).

F. The director shall review watershed restoration projects as defined in WAC 173-27-040 for consistency with the SMP and shall issue a decision along with any conditions within forty-five days of receiving from the applicant all materials necessary to review the request for exemption. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as defined in WAC 173-27-040.

<p>17G.060.210 Appeals</p>	<p>Minor</p>	<p>Provide clearer procedures for the appeal of land use decisions and clean up state mandated shoreline language.</p>	
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Section 17G.060.210 Appeals

- A. The provisions of this section shall apply to any written order, requirement, permit, decision, or determination made under the land use codes. ~~The hearing examiner shall consider the appeal in accordance with procedures set forth in chapter 17G.050 SMC and the hearing examiner's rules of procedure.~~
- B. Appeal ~~or request for reconsideration~~ of a director's decision on a ~~Type I and Type II~~ project permit application is to the hearing examiner as an open record appeal, except appeals of building permits that are not related to the land use codes shall go before the building construction review board pursuant to chapter 4.06 SMC and appeals related to the fire code shall be heard by the fire code advisory board pursuant to chapter 4.08 SMC. The hearing examiner shall consider the appeal in accordance with procedures set forth in chapter 17G.050 SMC and the hearing examiner's rules of procedure.
- C. Appeal ~~of the a~~ hearing examiner's decisions ~~on a Type III project permit application are~~ is to superior court, except rezones, PUDs, preliminary long plats, and skywalk permits are appealable to city council as a closed record appeal hearing and are subject to the procedures in chapter 17G.050 SMC.
- D. Shoreline substantial development permits decisions, after final decision by the City, may be appealed within twenty-one days from the "date of filing" or the date of actual receipt by the Department of Ecology ~~date the department of ecology receives the final decision~~; appeal is made to the shorelines hearings board.
- E. Shoreline conditional use permits and shoreline variance permits may be appealed to the shorelines hearings board within twenty-one days from the "date of filing" or the date the decision of the Department of Ecology is transmitted to the City of Spokane ~~date of transmittal by the department of ecology of the final decision to the City~~. If, as a result of the appeal process, the project has been modified, the director must reissue the permit according to WAC chapter 173-27-130 and submit a copy of the reissued permit to the department of ecology.
- F. Except as otherwise provided, Appeals or requests for reconsideration from decisions ~~or rulings~~ shall be ~~made~~ filed within fourteen calendar days of the date of the ~~written order decision, or~~ within seven days of the date of issuance of the decision on a request for reconsideration. If the last day for filing an appeal falls on a weekend day or a holiday, the last day for filing shall be the next working day. The appeal or request for reconsideration is filed in the department that is responsible for the permit application, except an appeal to superior court must be filed as a land use petition to the court within twenty-one days of the date of the written decision is ~~signed~~ issued.
- G. An appeal or request for reconsideration ~~of the director or hearing examiner~~ shall take the form of a written statement of the alleged reason(s) the decision was in error, or specifying the grounds for appeal or reconsideration. The following information, accompanied by an appeal fee as specified in chapter 8.02 SMC, shall be submitted. All fees including transcript deposit fees must be paid by the appellant no later than the last day to file the appeal. The appellant shall pay the cost of a written transcript within five days of the receipt of the hearing examiner's statement for the cost. An appeal application is not considered complete until all required fees are paid. Failure to timely pay all fees results in dismissal of the appeal with prejudice. The appeal or request for reconsideration application shall contain:
- a. file number of the decision;

- b. an indication of facts that establish the appellant's right to ~~appeal or request reconsideration~~ the relief requested;
 - c. an identification of exceptions and objections to the decision being appealed or reconsidered, or an identification of errors in fact or conclusion;
 - d. the requested relief from the decision being appealed or reconsidered;
 - e. any other information reasonably necessary to make a decision on the appeal or reconsideration;
 - f. failure to set forth specific errors or grounds for appeal shall result in summary dismissal of the appeal or reconsideration request.
- H. The appeal or request for reconsideration is rejected if:
- a. it is filed by a person without standing as specified in chapter 17A.020 SMC;
 - b. an appeal decision is being sought from a decision-maker not authorized by this chapter to make such a decision;
 - c. it is not timely filed;
 - d. the appeal fees have not been paid; or
 - e. it is not filed in accordance with the procedures of this chapter.
- I. An appeal ~~or request for reconsideration~~ stays the underlying decision pending final disposal of the appeal ~~or other requests for relief~~, unless the action ordered in the decision is necessary to protect the public health or safety, or unless the appeal is required to be filed in superior court. Filing a suit or action in court does not stay the final decision unless and until the court, pursuant to RCW 36.70C.100, issues an order.
- J. Notice of Appeal.
Notice of a hearing by the hearing examiner on an ~~request for reconsideration or appeal of a Type I or Type II project permit~~ is given to the director, appellant, applicant, and any party of record. This notice is mailed through regular U.S. mail or personally served at least fourteen days prior to the hearing. The notice of appeal contains the following information:
- a. Location of the property including a map sufficient to clearly locate the site.
 - b. Description of the proposed action.
 - c. Name of the applicant.
 - d. Application name and number.
 - e. Decision made on the application, including the environmental threshold determination.
 - f. Name of the appellant if other than the applicant.
 - g. Date, time, and place of hearing.
 - h. A statement of whether the appeal is on the record or if new information will be allowed; and
 - i. Name, address, and office telephone number of the City official from whom additional information may be obtained.

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
Title 17G Administration and Procedures			
<p>Section 17G.080.020 General Provisions. C. Expiration of Approval.</p>	<p>Minor</p>	<p>Amend timelines for expiration of preliminary plats to bring them into alignment with state subdivision law</p>	<p>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.</p> <p>The proposed amendment points directly to the state law and would avoid the need to amend the Subdivision Code again when the state law changes.</p> <p>58.17.140 <i>Time limitation for approval or disapproval of plats – Extensions.</i></p> <p><i>(3)(a) Except as provided by (b) of this subsection, a final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within seven years of the date of preliminary plat approval if the date of preliminary plat approval is on or before December 31, 2014, and within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015.</i></p> <p><i>(b) A final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within ten years of the date of preliminary plat approval if the project is not subject to requirements adopted under chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007.</i></p> <p><i>(4) Nothing contained in this section shall act to prevent any city, town, or county from adopting by ordinance procedures which would allow extensions of time that may or may not contain additional or altered conditions and requirements.</i></p>
<p>Section 17G.080.020</p> <p>C. Expiration of Approval.</p> <p>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.</p>			

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.

<p>17G.080.020 General Provisions. L. Extensions of Time.</p>	<p>Substantive</p>	<p>Fix terminology so the code is consistent. Also, allow extensions of time for an applicant to submit a final plat.</p>	<p>The purpose of the change is to make the terminology consistent between subsections C. and L. The second part allows additional time for filing a final plat beyond the current one-year.</p>
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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 for up to three years beyond the period provided in 17G.080.020.C.

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.

<p>17G.080.020 General Provisions. M. Sunset Provision.</p>	<p>Minor</p>	<p>Remove code provisions that are no longer applicable</p>	<p>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. All of the deadlines contained in this section have expired so this section is no longer applicable to any existing preliminary approval.</p>
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~~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. **Staff note (not part of amendment): 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. **Staff note (not part of amendment): 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: **Staff note (not part of amendment): 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.~~